

<p>APPROVAL</p> <p><i>slw</i> <i>PR</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>Aug 6, 2019</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>AN ORDINANCE TO AMEND ORDINANCE 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR THE STREET IMPROVEMENT FUND FOR FISCAL YEAR 2019 TO ESTABLISH APPROPRIATIONS FOR RAWSON HOMES STREET REPAIRS</p>	<p>ITEM NUMBER</p> <p>613.</p>

Background

The Common Council authorized work to be completed to improve drainage repairs in the Rawson Homes Subdivision. The work resulted in more street improvements than originally anticipated. The original appropriations for the drainage improvement project did not include sufficient appropriations to accomplish the street repairs, however, sufficient Street Improvement Fund opening Fund Balances are available to provide the resources required to complete the project.

Recommendation

The Director of Finance & Treasurer recommends adoption of the proposed Budget Amendment to use opening fund balance in the Street Improvement Fund to complete the street work in the Rawson Homes Subdivision.

COUNCIL ACTION REQUESTED

Motion adopting an Ordinance to amend Ordinance 2018-2345, an Ordinance adopting the 2019 annual budgets for the Street Improvement Fund for fiscal year 2019 to establish appropriations for Rawson Homes street repairs

Roll Call Vote Required

Finance Dept - Paul

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

ORDINANCE NO. 2019 _____

AN ORDINANCE TO AMEND ORDINANCE 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR THE STREET IMPROVEMENT FUND FOR FISCAL YEAR 2019 TO ESTABLISH APPROPRIATIONS FOR RAWSON HOMES STREET REPAIRS

WHEREAS, the Common Council of the City of Franklin adopted the 2019 Annual Budgets for the City of Franklin on November 13, 2018; and

WHEREAS, the Rawson Homes water main replacement project combined with the drainage improvement work has resulted in greater street repairs than expected; and

WHEREAS, the 2019 street improvement program did not contain sufficient appropriations to provide for restoring the Rawson Homes Subdivision street conditions upon completion of the water main replacement and storm sewer projects; and

WHEREAS, the Engineering Department has developed a plan to address the street surface issues in 2019; and

WHEREAS, there are sufficient Street Improvement Fund balances to provide the funds necessary to complete the 2019 Rawson Homes Subdivision street restoration.

NOW, THEREFORE, the Common Council does hereby ordain as follows:

Section 1 That a 2019 Budget for Street Improvement be amended as follows:

Street Improvement Fund		
Street Reconstruction	Increase	\$130,000

Section 2 Pursuant to §65.90(5)(a), Wis. Stats., the City Clerk is directed to publish a Class 1 notice of this budget amendment within ten days of adoption of this ordinance.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this ____ day of _____, 2019.

APPROVED:

Stephen R Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES ___ NOES ___ ABSENT ___

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE August 6, 2019
REPORTS & RECOMMENDATIONS	RESOLUTION TO AWARD PAVING CONTRACT FOR STARK PAVEMENT CORPORATION TO CONSTRUCT 2019 RAWSON HOMES PAVEMENT IN THE AMOUNT OF \$212,685.00	ITEM NUMBER <i>6.14.</i>

BACKGROUND

On July 2, 2019, Common Council directed Staff to solicit bids for installation of a base course of asphalt in the Rawson Homes Neighborhood (vicinity of W. Rawson Avenue, S. 36th Street and S. 37th Place).

Staff advertised for a contractor to shape the base work performed by DPW and construct 3,300 tons of asphalt binder course in preparation of surface work to be completed in 2020. Although the work is only expected to last a few days, the contractor may start work no sooner than September 30, 2019, and finish no later than November 1, 2019.

Bids were received on July 25, 2019.

ANALYSIS

Two bids were received as follows:

- \$212,685.00 Stark Pavement Corporation, Brookfield, WI (\$64.45/ton)
- \$223,905.00 Payne and Dolan, Waukesha, WI (67.85/ton)

For comparison, the 2019 Road Program unit price for binder asphalt is \$60.35/ton.

OPTIONS

- A. Award construction contract to Stark Pavement Corporation. Or
- B. Refer back to Staff with further direction. If not awarded at this meeting, completion of work this fall will be difficult for DPW to perform.

FISCAL NOTE

There is a budget amendment on this agenda to address this issue.

COUNCIL ACTION REQUESTED

(OPTION A) Motion to adopt Resolution No. 2019 - _____, a resolution to award paving contract for Stark Pavement Corporation to construct 2019 Rawson Homes Pavement in the amount of \$212,685.00.

Engineering: GEM

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2019 - _____

RESOLUTION TO AWARD PAVING CONTRACT FOR
STARK PAVEMENT CORPORATION TO CONSTRUCT 2019 RAWSON HOMES
PAVEMENT IN THE AMOUNT OF \$212,685.00

WHEREAS, the City of Franklin advertised and solicited bids for the 2019 Rawson Homes Pavement; and

WHEREAS, the low bidder was Stark Pavement Corporation, with a bid of \$212,685.00; and

WHEREAS, Stark Pavement Corporation is a qualified public works contractor.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that Stark Pavement Corporation be awarded the contract for the 2019 Rawson Homes Pavement project.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized and directed to execute a contract with Stark Pavement Corporation on behalf of the City.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019 by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

SAA

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/06/19</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">A RESOLUTION CONDITIONALLY APPROVING A PRELIMINARY PLAT FOR OAKES ESTATES SUBDIVISION (AT APPROXIMATELY SOUTH 92ND STREET AND WEST WOELFEL ROAD) (MAXWELL J. OAKES AND DANIEL D. OAKES-OAKES ESTATES LLC, APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.15.</i></p>

At the July 18, 2019 meeting of the Plan Commission, the following action was approved: move to recommend approval of a resolution conditionally approving a Preliminary Plat for Oakes Estates Subdivision (at approximately South 92nd Street and West Woelfel Road), (Maxwell J. Oakes and Daniel D. Oakes-Oakes Estates LLC, Applicant) with the conditions that the stormwater pond shapes be more natural looking and with sidewalks on at least one side of all streets.

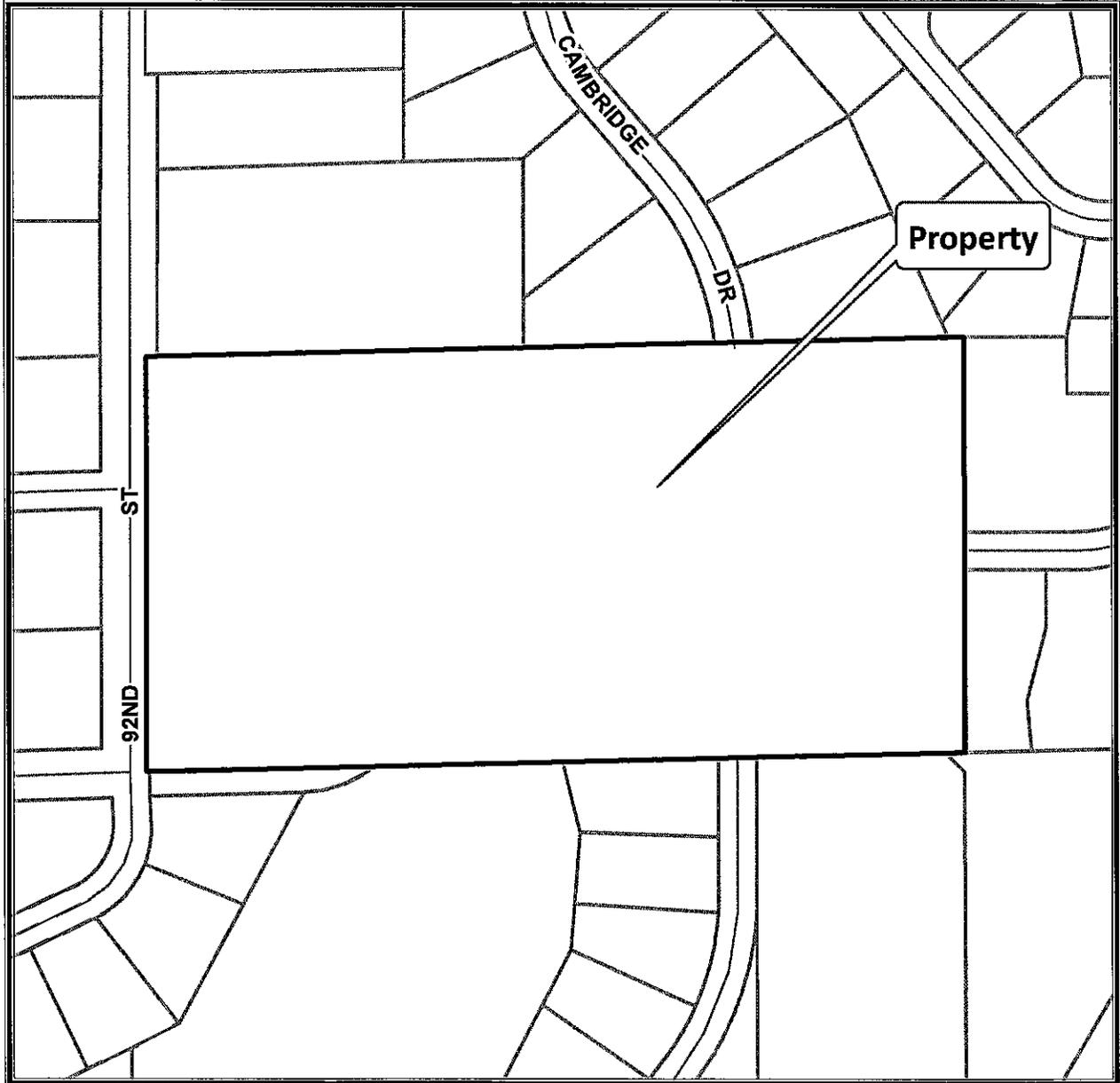
The two additional conditions recommended by the Plan Commission have been added to the draft Resolution.

COUNCIL ACTION REQUESTED

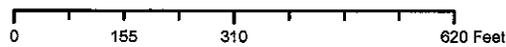
A motion to approve Resolution 2019-_____, conditionally approving a Preliminary Plat for Oakes Estates Subdivision (at approximately South 92nd Street and West Woelfel Road), (Maxwell J. Oakes and Daniel D. Oakes-Oakes Estates LLC, Applicant).



TKN: 754 9998 000



Planning Department
(414) 425-4024



2019 Aerial Photo

This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

RESOLUTION NO. 2019-_____

A RESOLUTION CONDITIONALLY APPROVING A
PRELIMINARY PLAT FOR OAKES ESTATES SUBDIVISION
(AT APPROXIMATELY SOUTH 92ND STREET AND WEST WOELFEL ROAD)
(MAXWELL J. OAKES AND DANIEL D. OAKES-OAKES
ESTATES LLC, APPLICANT)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a preliminary plat for Oakes Estates Subdivision, such plat being part of the Southwest 1/4 of the Northwest 1/4 of Section 9, Town 5 North, Range 21 East of the Fourth Principal Meridian, in the City of Franklin, County of Milwaukee and State of Wisconsin, more specifically, of the property located at approximately South 92nd Street and West Woelfel Road, [the Preliminary Plat includes a 20 lot subdivision with 16 single-family residence lots and 4 outlots proposed for stormwater management (Outlots No. 1 and No. 4) and to accommodate wetlands and wetland buffer areas (Outlots No. 2 and No. 3), average lot size 0.79 acres (34,412 square feet) (R-3E zoning district requires a minimum of 0.57 acres per lot size (25,000 square feet)) [the subdivision plat connects South Cambridge Drive, from north to south and the plat connects South 92nd Street with Warwick Way, from west to east], bearing Tax Key No. 754-9998-000, Maxwell J. Oakes and Daniel D. Oakes-Oakes Estates LLC, applicant; said preliminary plat having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof at its meeting on June 20, 2019, pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed preliminary plat is appropriate for approval pursuant to law upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Preliminary Plat of Oakes Estates Subdivision, as submitted by Maxwell J. Oakes and Daniel D. Oakes-Oakes Estates LLC, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development

MAXWELL J. OAKES AND DANIEL D. OAKES-OAKES ESTATES LLC-
PRELIMINARY PLAT
RESOLUTION NO. 2019-_____

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and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.

3. Maxwell J. Oakes and Daniel D. Oakes-Oakes Estates LLC, successors and assigns and any developer of the Oakes Estates 16 lot and 4 outlot single-family residential subdivision development shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Oakes Estates 16 lot and 4 outlot single-family residential subdivision development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
4. The approval granted hereunder is conditional upon Maxwell J. Oakes and Daniel D. Oakes-Oakes Estates LLC and the Oakes Estates 16 lot and 4 outlot single-family residential subdivision development project for the property located at approximately South 92nd Street and West Woelfel Road: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
5. The Oakes Estates 16 lot and 4 outlot single-family residential subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
6. A written conservation easement document shall be submitted as part of the Final Plat Application for Common Council review and approval, and recording with the Milwaukee County Register of Deeds Office at the time of recording the Final Plat. The Conservation Easement shall incorporate the West Shore Pipeline Easement and all appropriate restrictions.
7. All wetland buffers and all wetland setbacks associated with the wetlands to remain (as depicted on the Natural Resource Protection Plan) shall be shown on the face of the plat, and included within a Conservation Easement, as part of the Final Plat application. A "Conservation Easement Restrictions" note shall also be depicted on the face of the plat as part of the Final Plat application.
8. All wetland setbacks shall be located within an Outlot, and the Outlots revised accordingly, as part of the Final Plat application. Alternatively, if approved by the

MAXWELL J. OAKES AND DANIEL D. OAKES-OAKES ESTATES LLC-
PRELIMINARY PLAT
RESOLUTION NO. 2019-_____

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Common Council, all wetland setbacks not within an Outlot shall have conservation signage placed onsite to delineate the area(s) as protected and unbuildable.

9. The subdivision plat shall label the wetland buffer as “30-foot Wetland Buffer, No Touch”, and shall label the wetland setback as “20-foot Wetland Setback, No Build”, as part of the Final Plat application.
10. A draft of the declaration of deed restrictions, protective covenants, and the legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners association) whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development shall be submitted to the City as part of the Final Plat for review and approval solely as to form and as such restrictions and covenants may pertain to existing city rules and regulations.
11. Any proposed subdivision monument sign(s) shall be subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.
12. The Final Plat shall be in full compliance with all pertinent City of Franklin Design Standards and Construction Specifications.
13. All utility easements shall be located along rear lot lines, and in mid block locations where necessary, and shown on the face of the plat as part of the Final Plat application.
14. The subdivision plat shall be revised to depict the 30-foot storm water drainage easement outside of the 12-foot utility easement as part of the Final Plat application.
15. The Stormwater Management Plan shall be revised such that the stormwater pond shapes shall be more natural looking.
16. The subdivision plat shall be revised to depict sidewalks on at least one side of all streets, for review and approval by City staff as part of the Final Plat application.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

MAXWELL J. OAKES AND DANIEL D. OAKES-OAKES ESTATES LLC-
PRELIMINARY PLAT
RESOLUTION NO. 2019-_____
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APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of July 18, 2019

Preliminary Plat

RECOMMENDATION: City Development Staff recommends approval of the Preliminary Plat for the Oakes Estates Subdivision, subject to the conditions as noted in the attached draft resolution.

Project Name:	Oakes Estates Preliminary Plat
Project Location:	Approximately 92nd Street, Warwick Way, and Cambridge Drive (Tax Key No: 754-9998-000)
Property Owner:	Oakes Estates LLC
Applicants:	Maxwell J Oakes and Daniel D. Oakes
Current Zoning:	R-3E Suburban/Estate Single-Family Residence District
2025 Comprehensive Plan:	Residential
Use of Surrounding Properties:	Single-family residential to the north, south, east, and west
Applicant's Action Requested:	Recommendation of approval of the Preliminary Plat for future single-family residential development

Introduction:

Please note:

- Staff recommendations are included in the draft resolution.
- Staff comments, and the applicant's responses, are attached.

On May 1, 2019, the applicant submitted an application for a Preliminary Plat for property located east of the intersection of South 92nd Street and Grandview Court.

The preliminary plat proposes to subdivide the 19.7-acre parcel into 16 R-3E single-family residential lots and four outlots. Two of the outlots would consist of natural resource features (to be protected by conservation easements), and two outlots would each encompass a storm water management pond. The subdivision plat also includes the extension of Cambridge Drive and Warwick Way entirely through the subdivision.

Project Description/Analysis:

The lots range in size from 29,309 square feet to 56,267 square feet, all exceeding the R-3E "minimum lot size of 25,000 square feet. All single-family lots abut a public right-of-way and have sufficient width.

The proposed subdivision will be served by municipal water and public sanitary sewer.

Pedestrian Amenities:

The preliminary plat does not depict any sidewalks or trails, nor are there any sidewalks or trails within the adjacent subdivisions. Therefore, the Planning Department is not recommending any pedestrian amenities. However, the Engineering Department is recommending sidewalks along both sides of all streets.

Stormwater Management Plan:

A stormwater pond is proposed within both Outlot 1 within the southeast portion of the property and within Outlot 4 in the southwest portion of the property. A Stormwater Management Plan and calculations were submitted to the Engineering Department for review. The plan is currently under review and will require final Engineering Department approval as part of the review of the Final Plat Application.

Natural Resource Protection Plan:

A Natural Resource Protection Plan (NRPP) has been completed for the subject development by TRC Environmental Corporation, and the wetland delineations were completed by the Southeastern Wisconsin Regional Planning Commission. According to the NRPP, the site contains wetlands and associated wetland buffers and setbacks.

- The applicant has obtained from the Army Corps of Engineers a determination that there are no waters of the United States within the subject property, and as such, that there is no federal jurisdiction of the subject wetlands.
- The applicant has obtained from the Wisconsin Department of Natural Resources a determination that the small wetland located in the northeast corner of the subject property is an artificial wetland and as such is exempt from State wetland regulations. Therefore, this wetland has not been depicted on the NRPP.
- The applicant has obtained from the Wisconsin Department of Natural Resources a nonfederal wetland exemption determination for the remaining wetlands located on the subject property. Pursuant to Wisconsin State Statute 281.36(4n), up to one acre of such wetlands may be filled pursuant to compliance with all applicable stormwater management and WPDES regulations.
 - The applicant is proposing to fill approximately 0.227 acre of these wetlands (see NRPP map). Pursuant to Wisconsin Act 183, local units of government are prohibited from enacting any regulations pertaining to such exempt wetlands. Therefore, while the subject wetlands and associated buffers and setbacks are shown on the NRPP, City regulations do not pertain, and a Natural Resource Special Exception cannot be required.

It can be noted that the applicant is not proposing to include the wetland setbacks within the Conservation Easement, or within the Outlots, and is not depicting the setbacks on the plat. The applicant has indicated they will use signage to identify the setbacks in the field.

Staff suggests that the applicants undertake a rezoning to remove the area of C-1 Conservancy zoning located on the southern portion of the subject property (it can be noted that all of the C-1 zoning is located within the existing wetland which is proposed to remain).

Signage:

Although signage is not being proposed at this time, should the applicant want a subdivision monument or other similar signage, separate City review and approval will be required.

Lighting:

Staff suggests that a Lighting Plan be prepared for any lamp posts proposed within the subject subdivision. The applicant has indicated that any such lighting will be addressed with the Architectural Review Board, and that any street lighting will be addressed with the Engineering Department.

Comprehensive Master Plan Consistency:

- *Consistent with, as defined by Wisconsin State Statute, means “furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan.”*

The subject property is designated as Residential on the City’s 2025 Future Land Use Map. As such, this Future Land Use Map designation is consistent with the existing zoning and the applicant’s proposed single-family residential development.

Staff Recommendation:

City Development Staff recommends approval of the Oakes Estates Preliminary Plat, subject to the conditions as noted in the attached draft resolution.

Oakes Estates Subdivision

Oakes Estates LLC

2000 Oakes Road

Racine, WI 53406

Maxwell Oakes: Owner

Daniel Oakes: Owner

This document contains:

- 1) Project Summary
- 2) Financial Plan for Project Implementation
- 3) Market Analysis

1) Project Summary – Oakes Estates LLC was created with the intention to purchase tax parcel 7549998000 legally described as S 20 ACS OF HALF OF NW 9 5 21 CONT 20 ACS. That land will be herein referred to as Oakes Estates Subdivision. The surrounding communities are zoned R3-E full of estate-like residences. Currently there is a 20-acre farm field in the middle of these beautiful communities, with roads dead ending, not allowing traffic to flow through. This land is an eye sore and it is only right to build another high-quality development like the rest of the communities. Our intention is to build a subdivision that fits the existing zoning regulations and the surrounding subdivisions. Oakes Estates Subdivision is not meant to be a standout community but to be the last missing piece of the puzzle. Building this development would connect roads to allow access to municipal agencies such as police, fire, garbage, snow removal, and others to efficiently do their job within this community. The proposed development will be composed of 16 single-family dwellings, two outlots that contain retention basins, and two outlots that contain wetlands protected by the Wisconsin DNR. We are proposing to connect from East to West on W Warwick Way to curve slightly and meet W Grandview Ct at a 4-way intersection on South 92nd St. and extend S. Cambridge Drive South to meet S. Cambridge Drive as the master plan for Franklin would call for. Five of the lots will have fully exposed basements facing South to Southwest with the conservatory wetland in their back yard view, two of the lots in the Southeast portion of the development will have partially exposed basements facing East with a retention basin in their back yard view, and three of the lots in the Northeast portion of the subdivision will have partially exposed basements facing North to Northeast with Stone Hedge Subdivision retention basin in their back yard view. The remaining six lots will have non-exposed basements, unless graded otherwise by future property owner, with their backyards facing North. All of the lots in this subdivision consist of highly sought-after characteristics. The average size of the sixteen (16) lots is .79 acres with the minimum lot size being .67 acres, and all frontages of lots are greater than 135 feet with the majority being greater than 150 feet. Minimum lot size for R3-E zoning is .57 acres with 125 feet of frontage. The covenants and restrictions written for this development were pulled from Wyndham Hills and Wyndham Ridge, two surrounding communities, and Whispering Woods, a community in Franklin near Tuckaway Country Club. The construction of Oakes Estates subdivision would take 90-120 days and to be completed all in one phase. We designed the master grading plan to be balanced as much as possible, meaning during

construction we plan to utilize as much onsite materials as possible so there is to be minimal haul-off of dirt. There would be additional dirt needed onsite and Oakes Estates will import clean fill to ensure the integrity of the soil during construction. Underground storm water and wastewater exist in the property and Oakes Estates would be installing the remaining system, as well as asphalt roadways and concrete curb and gutter per City of Franklin's construction specifications. It has been recommended by the Planning Department that we install sidewalks on one side of the street and Engineering Department is likely to recommend sidewalks on two sides of the street. We have taken those suggestions into consideration and are going to omit sidewalks all together. The surrounding subdivisions of Wyndham Ridge, Wyndham Hills, Stone Hedge, and other individual homes do not have any sidewalks in existence right now. We understand that it is the goal of the City of Franklin to have sidewalks in subdivisions to make the areas more walkable, but this 20 acre site should not be the first to install sidewalks. They would go only within the area and dead-end far away from the nearest sidewalk on Drexel. There are currently at least 24,000 feet (or 4.5 miles) of road in this area without sidewalk so installing sidewalks on either side would be about 48,000 feet (or 9 miles). As discussed with the Planning Department the City of Franklin was installing sidewalks during street reconstruction projects. The surrounding subdivisions are fairly new, making some of these streets very young and wouldn't require reconstruction for many years. Likely the streets will be resurfaced before reconstructed furthering the life of the streets. This would further delay the installation of sidewalks in the surrounding subdivisions making our sidewalks the only ones in the area for a long time. Unless the City of Franklin was installing sidewalks during resurfacing projects then we would consider installing sidewalks in our subdivision. General landscaping for the proposed development will be performed on the two outlots containing the retention basins, and the landscape plan would be seeding for grass and installing trees along the perimeter. There would be one monument sign in the outlot on the West entrance of the subdivision facing S 92nd St. Overall, Oakes Estates Subdivision is intended to fit in with the surrounding communities and not to disturb the estate-like feel throughout. Oakes Estates does not intend for the construction process to be disturbing to any of the surrounding neighbors and will have an open communication ensuring all neighbors are aware of the project status. The result of the development will be another successful, high-value community in the beautiful City of Franklin.

- 2) Financial Plan for Project Implementation – Oakes Estates Subdivision is a 20-acre development that will have 16 single family homes. Construction timeline for the development to be able to start selling the lots is roughly 90-120 days. Cost of construction for this subdivision is about \$1,600,000 without sidewalks. We believe that the City of Franklin is a very sought-after community to live in; therefore, we believe that we can have all lots sold within the first two years. We estimate that each home value will range from \$700,000 to \$1,000,000 making the total value of the homes in the subdivision over \$11,200,000. The City of Franklin's net assessment value is about .023 so that equivalates to roughly \$257,600 in property taxes per year from these residences. The Declaration of Covenants and Restrictions clearly states high quality building materials. All homes must past an architectural board approved by Oakes Estates to ensure that the quality of homes and values of home match or exceed the surrounding communities.

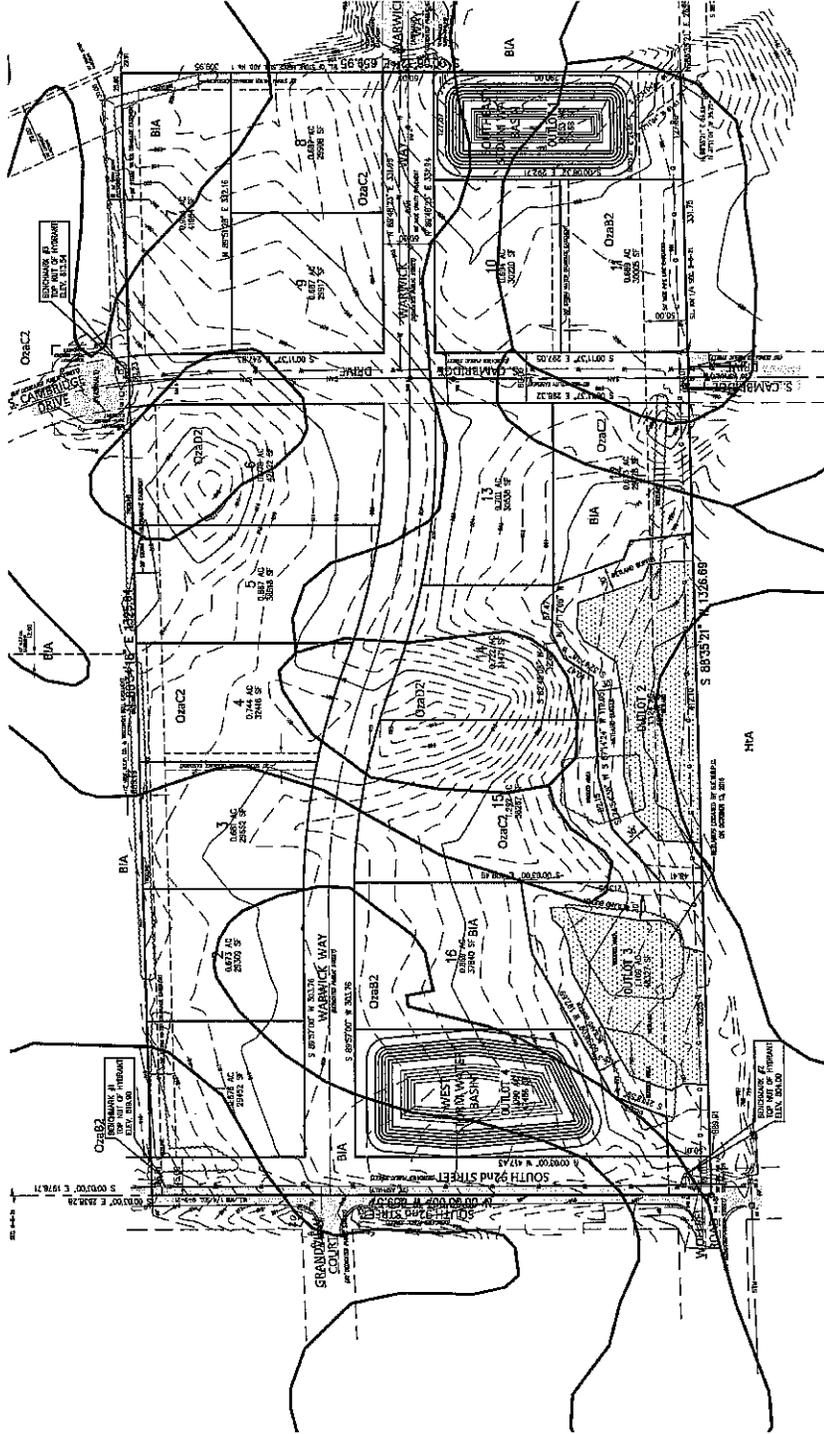
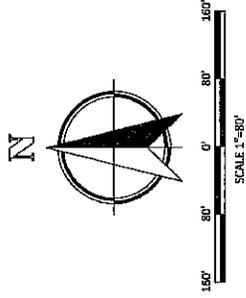
- 3) Market Analysis – The demand for estate lots in the City of Franklin is high, and the current inventory of these lots is very low. There is a strong market for these R3-E lots and we have a very high confidence that there will be few issues selling these lots, especially since the lots exceed the R3-E minimum lot size requirements. We believe there won't be vacant lots over long periods of time, fulfilling the look of a successful community. Southeast Wisconsin is becoming one of the best areas to call home in Wisconsin with the City of Milwaukee expanding its footprint into the Menomonee Valley, the ever growing Third Ward, and many companies including Foxconn, Amazon, Haribo, and ULINE moving in and expanding. The City of Franklin always has been an outstanding place to live with amenities nearby that include, but not limited to: The Shoppes at Wyndham Village Whitnall Park, Tuckaway Country Club, Muskego Lake, Innovative Health & Fitness, and many other local businesses that make up a very successful community. Also, with the highly anticipated Ballpark Commons entertainment district being built not too far away, that drives the value of all residences in this area up. We have already received multiple phone calls and emails from interested parties, and we have not advertised anything about the proposed development.

Our Covenants and Restrictions we state that all construction for homes must be completed within 18 months. So, in all, we believe that initial construction will take 90-120 days, all 16 lots will be sold within two years after construction is completed, and 16 taxpaying residences will have completed homes 18 months after purchase. We believe in less than four years after Oakes Estates Subdivision is final approved all 16 lots will be 100% complete. In all, we believe that Oakes Estates Subdivision will have no issue selling out lots to residents that will contribute to the City of Franklin.

EXISTING CONDITIONS

PRELIMINARY PLAT OAKES ESTATES SUBDIVISION

PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 21 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE AND STATE OF WISCONSIN.



FIELD NO. 06-12-2008 WL STM / LAMP
 OAKES ESTATES SUBDIVISION, WISCONSIN
 COMMISSIONER OF REVENUE, MILWAUKEE COUNTY
 BASED UPON A 2007 SURVEY.
 ALL ELEVATIONS REFER TO NATIONAL
 GEODETIC DATUM OF 1983.

DIGESTER
 Call (800) or (800) 242-8911
 www.DiggerHotline.com

- LEGEND**
- ☉ SANITARY MANHOLE
 - ☒ SANITARY SEWER
 - ☐ CATCH BASIN
 - ☒ HORIZONTAL
 - ☒ WATER VALVE
 - ☒ WATER MAIN
 - ☒ GAS VALVE
 - ☒ GAS MAIN
 - ☒ OVERHEAD WIRES
 - ☒ FOUND IRON PIPE
 - ☒ VALVE
 - ☒ LIGHT POLE
 - ☒ POWER POLE
 - ☒ DUCTILE IRON
 - ☒ FOUND IRON PIPE

EXISTING UTILITY DATA

CB 1	RIM 810.14 IE. 12' W/ 804.99 IE. 12' E/ 804.94	CB 5	RIM 795.98 IE. 24' E/ 795.53 IE. 24' W/ 795.83
CB 2	RIM 808.83 IE. 12' W/ 804.48 IE. 12' E/ 804.43	CB 6	RIM 801.06 IE. 8' N/ 795.88 IE. 8' W/ 795.41
CB 3	RIM 800.08 IE. 18' E/ 795.43 IE. 24' W/ 794.58	CB 7	RIM 810.29 IE. 8' N/ 795.76 IE. 8' W/ 795.68
CB 4	RIM 800.08 IE. 24' W/ 794.53 IE. 24' W/ 794.38	CB 8	RIM 801.43 IE. 8' N/ 795.68 IE. 8' W/ 795.68

SOIL MAP DATA
 Milwaukee and Waukesha Counties, Wisconsin (WI82Z)

Symbol	Map Unit Name
BA	Brownish loam, 1 to 3 percent slopes
BIA	Brownish loam, 3 to 5 percent slopes
Ox1B2	Coarse all loam, 2 to 5 percent slopes, eroded
Ox1C2	Coarse all loam, 5 to 12 percent slopes, eroded
Ox2Z	Coarse all loam, 12 to 20 percent slopes, eroded

UTILITY DATA

EXISTING UTILITIES ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY AND ARE NOT GUARANTEED TO BE ACCURATE OR ALL INCLUSIVE. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UNDERGROUND UTILITIES AS THEY DEEM NECESSARY FOR PROPOSED UTILITY CONNECTIONS AND/OR TO AVOID DAMAGE THEREBY. CONTRACTOR SHALL CALL "DIGGER'S HOTLINE" PRIOR TO ANY CONSTRUCTION.

M. J. ...
 4-30-...



THOMAS NORDLOH ASSOCIATES
 Landscape Architecture
 Project Management
 4111 Tolt Rd, Kenosha WI 53142

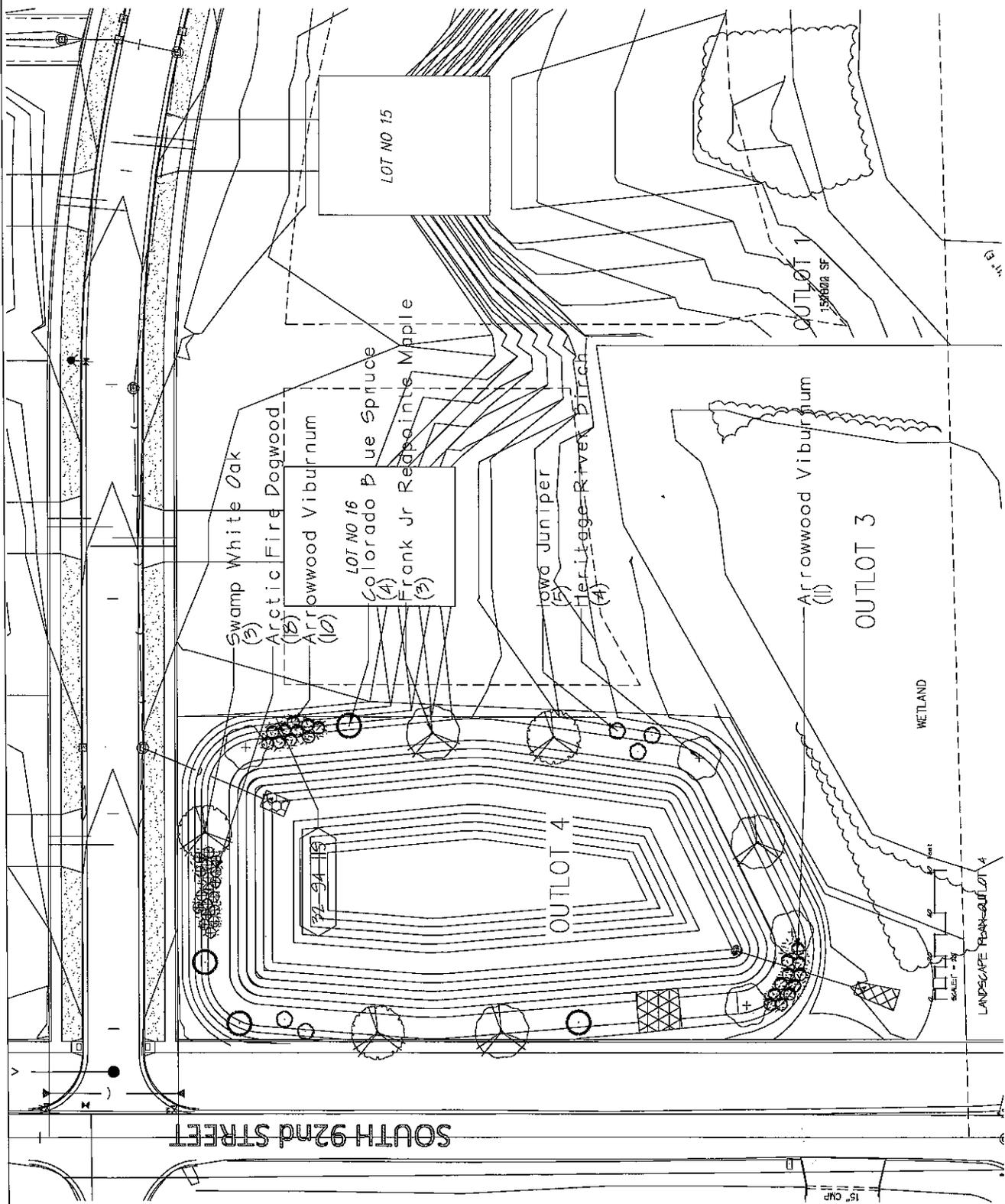


1	DATE GREAT TRENDS	7-4-19
2		
3		
4		

OAKES ESTATES SUBDIVISION
 LANDSCAPE PLANS
 FOR
 OAKES ESTATES, LLC
 CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN

Thomas N. Nordloh
 Landscape Architect
 No. 20200005
 Exp. 6-30-19

Sheet
 L-2

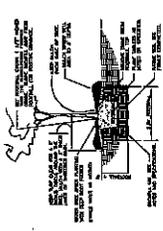


PLANT SCHEDULE

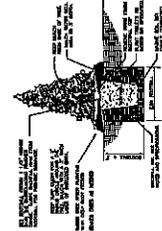
TREES	COMMON NAME	SIZE	CONTAINER QTY
Acer rubrum 'Frank Jr.'	Frank Jr. Redpointe Maple	P & P	5
Betula nigra 'Heritage'	Heritage River Birch	P & P	7
Quercus bicolor	Swamp White Oak	P & P	5
SHRUBS			
Juniperus chinensis 'Towd'	Iowa Juniper	6"	5
Picea abies	Norway Spruce	6"	4
Picea pungens 'glauca'	Colorado Blue Spruce	6"	4
SHRUBS			
Cornus serguinea 'Arctic Fire™'	Arctic Fire Dogwood	5 gal	5
Viburnum dentatum 'Arrowwood'	Arrowwood Viburnum	5 gal	5

GENERAL LANDSCAPE NOTES:

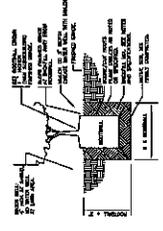
1. Topsoil return to depth of 4" minimum is by excavating contractor. Berms (if applicable) are by others. Returned topsoil to have no rock larger than 1". Construction debris and/or roots in the soil. Contact general contractor if soil is not acceptable for proper plant growth.
2. Always contact Diggers Hotline (800-246-8811) or JULIE 24 (or 1-800-876-0723) before proceeding with any work.
3. contractor is required to visit the site and review all civil plans related to the project. The civil plans take precedence over the landscape plans.
4. Plant material to be of the highest quality available and should not include #2 grade trees, evergreens or shrubs. Landscape contractor is to verify plant quantities due to changes in the overall phase landscape plan.
5. Labeled plants have precedence over the plant plan. Any substitutions of plant type, quantity or size must be approved by city forester.
6. Planting beds shall receive a 3" layer of high quality non-dyed shredded hardwood mulch, 3" diameter tree rings shall be installed around all trees and evergreens in the turf areas. Perennial and annual beds shall receive between a 1-2" layer of shredded bark mulch.
7. Spade cut plant beds and tree rings with a 4" deep groove cut.
8. compost mulch incorporated 6" deep into the planting bed before installation of plants.
9. Seeded lawn areas to have high quality Bluegrass and Fescue blend of seed. See civil plans for turf restoration. Apply a 10-10-10 starter fertilizer after turf has germinated. Follow manufactures direction on fertilizer application rates.
10. sodded turf applications to be installed in staggered fashion. Sod joints to be immediately upon laying of the turf. Stake sod on slopes of less than 2% grade. Peat sod is not acceptable.
11. Erosion blanket shall be installed on seeded slopes with a grade of 2% or less. 50 day single net, double net or Turf Reinforcement Mats shall be installed per the required use. Follow manufactures staking guidelines to ensure proper stabilization.
12. install erosion blanket for dormant seed applications (after November 15) or mid-summer applications (after August 15) or any other time of the year. Erosion blanket is responsible to maintain the site for a period of 45 days after substantial completion of project. This will include watering, mowing of turf areas as needed, weeding plant beds, maintaining a clean site and other activities to ensure proper growth of the landscape.
13. If an irrigation system is not installed a temporary irrigation system shall be installed on all plant beds. Install timers that will enable the new turf areas to receive enough water to properly germinate seed. Owner to provide access to water from outside of building to facilitate proper watering. Seed areas may require additional time for proper establishment. Warranty of plants, trees, evergreens, shrubs shall be for a period of 12 months from date of installation. Subsequent to the warranty period, the contractor shall be responsible for the maintenance of the plants. One replacement will be required for each dead plant at the end of the warranty period.



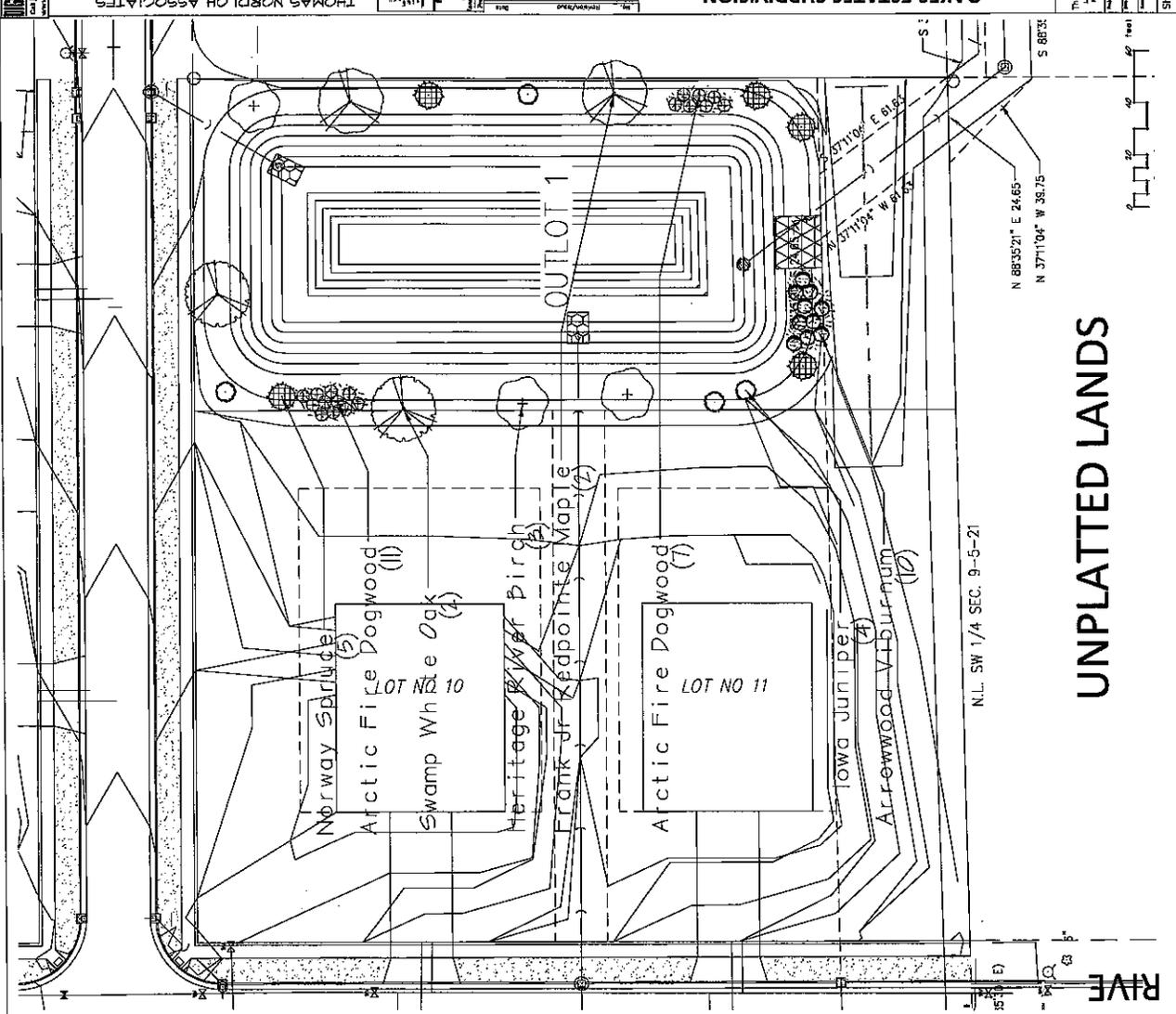
30 TREE PLANTING DETAIL



30 EVERGREEN PLANTING DETAIL



30 SHRUB PLANTING DETAIL



UNPLANTED LANDS

LANDSCAPE PLAN-OUTLOT 1

Sheet L-3

City of Franklin
Department of City Development

Date: June 7, 2019

To: Maxwell Oakes and Daniel Oakes, Oakes Estates, LLC

From: City Development Staff

RE: Oakes Estates Preliminary Plat– Staff Comments

Please be advised that City Staff has reviewed the above application. Department comments are as follows for the Preliminary Plat submitted by Oakes Estates, LLC and date stamped by the City of Franklin on May 1, 2019.

Unified Development Ordinance (UDO) Requirements

Natural Resource Protection Plan

1. Please show the location and dimensions of all easements and neighboring property boundary lines per Section 15-7.0201-H of the UDO.

Added to NRPP

2. Please provide the name of person performing wetland delineation AND the date of the wetland delineation from the NRPP report on the NRPP plan.

Added to NRPP

3. Per Section 15-7.0201-I of the UDO, please provide the location and extent of existing natural resource features as defined by Divisions 15-4.0100 and 15-11.0100. Specifically, please show in tabular format the following areas:

- a. Amount of Land disturbed in wetland areas (shown as area contained in blue hatch (in s.f. or acres) in supplied NRPP dated May 1 2019)

Added

- i. Please correct the following discrepancies, the DNR letter and NRPP worksheet both state 0.23 acre of wetland will be disturbed, but the NRPP worksheet states that only 0.24 acre of wetland exist, but the NRPP map indicates that 1.52 acre of wetland exist.

Corrected

- b. Amount of Land disturbed in wetland buffer areas (shown as area between blue cross hatch and dashed brown line (in s.f. or acres)) Added

- c. Amount of Land disturbed in wetland setback areas (shown as area between dashed brown line and dashed orange line (in s.f. or acres)

Added

- d. Amount of land disturbed in wetland shore buffer (area between shore buffer (in s.f. or acres), as defined in UDO and wetland setback)

Added

- 4. Please graphically and numerically depict those natural resource features that will be disturbed and those that will be preserved per Section 15-7.0201-J of the UDO.

Added

- 5. Please note that if 1 acre or more of wetland is filled (i.e. the DNR non-federal wetland exemption rules) a Natural Resource Special Exception (UDO Section 15-10.0208) and a Natural Resource Mitigation plan meeting UDO Standards 15-4.0103.4.,5.,6 will be required.

Less than 10,000 square feet of exempt, non-federal wetland will be impacted.

- 6. It is recommended that the Conservation Easement include language acknowledging the North Shore Pipeline Easement and allowed access and disturbances per the terms of that agreement (without any additional approvals as an essential service with restoration provided per Table 15-4.0100(a) and 15-4.0102I of the UDO).

Completed

- 7. Note that a Conservation Easement is the recommended and preferred method of protection for all remaining natural resource features. The City's conservation easement template may be obtained from the Planning Department.

Completed

Preliminary Plat Comments

- 8. Please provide the date on the Preliminary Plat. Per UDO 15-7.0501E.

The date for the Preliminary is in the legal description/signature certificate and we have also added a certification for the approval date from the State of Wisconsin Department of Administration as requested.

9. Per Section 15-7.0501.H. of the Unified Development Ordinance (UDO), please provide a use statement on the face of the Preliminary Plat (see below).

H. Use Statement. A statement of the proposed use of the lots stating the use type of buildings and/or uses proposed to occupy the lots, number of proposed lots, and number of dwelling units per lot, and proposed density.

The Use Statement has been added to Sheet No.1, under the Legend and Notes Section as requested.

10. A small portion of the property along the south property line is zoned C-1 Conservancy District. Please revise the zoning note to include that zoning district (see Section 15-7.502.O).

We have updated the existing zoning note to reflect the property is zoned both R-3a and C-1 as requested.

11. Staff also suggests rezoning the C-1 District portion of the property to R3-E Residence District as the City no longer utilizes the C-1 District. An Application to rezone may be obtained from the Planning Department.

No, the portion of the property zoned C-1 lays in an outlot and is protected by the NRPP.

12. Please show all easements on the Preliminary Plat per Section 15-7.0502V. of the UDO. Note the Wetland Buffer line serves as the Conservation Easement boundary, so it should be labeled as such (e.g. Wetland Buffer and Conservation Easement boundary).

All drainage, wetland and conservation easements have been added to the plan as requested.

13. The Plat must also show vision corner easements per Section 15-5.0201 of the UDO.

Vision Corner easements have been added to the lots at both intersections as requested.

14. If not already done, please submit directly to the Engineering Department all stormwater management facilities and corresponding calculations which verify compliance with all City of Franklin, MMSD, and DNR standards. Per UDO 15-7.0501.J.

The updated plans and SWMP Report have been submitted to the City Engineering Department as requested.

15. Please show proposed conservation easement area, with metes and bounds description, on face of the plat. Per UDO 15-7.0507.B.

The conservation easement detail and legal description has been added as requested.

16. Please clarify the proposed and existing contours by showing a legend on the face of the plat. Per UDO 15-7.0502.C.

The proposed and existing contour labels has been added to the Legend on Sheet No.2 as requested.

17. Please show the elevation of the surface water on the wetlands shown on the preliminary plat. Per UDO 15-7.0502.D.

There are no surface waters located within the wetland area on this property. No note has been added to the Plat.

Required Improvements for Land Divisions

18. Section 15-8.0100 of the UDO sets forth the required improvements for all land divisions. Closely review and incorporate that information onto the Preliminary Plat, or associated plans, as appropriate. Additional information about these requirements, and any questions about them, can be directed to the Engineering Department.

Addressed and currently working with Engineering Department to comply.

Staff Recommendations

Preliminary Plat

19. Please be aware that installation of streets and utilities is required prior to approval of a Final Plat (see Section 15-2.0303A. of the UDO) . Alternatively, an improvement guarantee may be provided per Section 15-2.0303B.

Understood.

20. The R3-E Residence District standards appear to be met. For development of the homes, please be aware of the maximum lot coverage requirement of 15% as well as dwelling size and height restrictions.

Development currently meets these requirements.

Natural Resource Protection Plan (NRPP)

21. Staff recommends that Outlots 2 and 3 be revised to encompass all wetland setbacks and wetland buffers, and that the adjacent lots be revised accordingly.
- a. If the wetland setbacks are not included within both the outlots and Conservation easements, staff recommends that signage be placed along the perimeter of the protected natural resource features indicating their presence.

Oakes Estates, LLC is proposing to use signage to protect natural resource feature that extend beyond the outlots. Only 50' wetland building setbacks extend beyond the outlots.

22. Please indicate on the face of the plat if the wetlands are determined to be artificial wetlands or not, and the documentation reference.

Shown on the plat.

23. Please provide the map referenced in the Wisconsin DNR non-federal wetland exemption determination letter dated April 2, 2019.

This has been added as an Appendix in the NRPP letter report.

24. Please label the 30 foot wetland setback as the *30 foot Wetland Buffer "No Touch"* and please label the 20 wetland setback as the *20 foot Wetland Setback "No Build"*.

Shown on the Plat.

25. Staff recommends that the applicant include all remaining Natural Resource Features, including wetland setbacks, within the Conservation Easements. Please provide Conservation Easement Documents and Exhibits for City Staff review.

Completed

26. Natural Resource Protection Plan:

- a. Portions of the roadways are shown in purple on the NRPP map. Is this because of utility easements? Do those utility easements not extend along the remaining roadways? In addition, a portion along the north property line is also purple. Is this because it is a drainage easement?

Per comment 26 b, all easements excluding the conservation easement have been removed from the NRPP.

- b. It is recommended that only the conservation easement be shown on this map and the Legend revised to specifically state "Conservation Easement," opposed to just "Easement."

The NRPP has been revised to exclude all easements other than the Conservation Easement.

- c. Alternatively, the map must be revised to include (and label) all easements. For example, if the purple strip along the north property line is shown because it is a drainage easement, there are additional drainage easements onsite that must also be shown to be consistent. There are also storm water and other easements that are not shown.

Per comment 26 b, all easements excluding the conservation easement have been removed from the NRPP.

- d. Are notes 3 and 4 both necessary? Are all the wetlands and buffers that are being protected within outlots? If so, please revise.

Notes have been removed

Other

- 27. Will your company build some or all of the homes or will the lots be sold to builders and individual lot/home buyers?

The lots will be sold to builders and individual lot/home buyers.

- 28. The draft Declaration of Covenants and Restrictions states that homes shall not exceed 40-feet in height. Please be aware that the R3-E District requires a maximum building height of 2.5 stories or 30-feet. It should be noted that building height is measured as follows:

BUILDING HEIGHT

The vertical distance measured from the curb level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat or slant roof, to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, or hip, or gambrel roof; provided that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade at the front of the building.

Adjusted and addressed in the Covenants and Restrictions.

- 29. Note that the existing temporary turnarounds must be removed when installing and connecting the new roads. Curb and gutter must match the existing and disturbed areas must be restored to lawn.

Shown on plat, will be followed.

30. Note that a subdivision monument sign requires a separate application to be reviewed and approved by the Plan Commission. A Subdivision Monument Sign Application may be obtained from the Planning Department. This may be submitted along with the application for Preliminary Plat or at a future date.

Will address at a later date.

31. Please be aware of City impact fees. The impact fee schedule can be found on the City's website at:

https://www.franklinwi.gov/DefaultFilePile/User/dhochevar/2019Impact_Fee_calcs_correct.xls

32. Landscaping:

- e. It is recommended that a separate Landscape Plan be provided for Plan Commission review and approval. The Landscape Plan must include the type, name and planting size of all proposed trees and shrubs.

Landscape plan provided.

- f. Proposed street trees shall be in compliance with Section 15-8.0117 of the UDO. One street tree is required for each 85-feet of lot frontage on each side of all streets. Note that separate Engineering Department standards conflicts and requires 75-feet. It is recommended to conform to the more restrictive requirement.

All street trees removed from landscape plan, to be coordinated with Engineering Department per Planning Department.

- g. The project narrative indicates that plantings will be placed around the storm water ponds and trees along the perimeter. Please include in the Landscape Plan for Plan Commission review and approval.

Landscape plan provided.

33. Lighting:

- h. It is recommended that a separate Lighting Plan be provided in compliance with Division 15-5.0400 for Plan Commission review and approval. Also see Section 15-8.0115 of the UDO.

Street lighting to be coordinated with Engineering Department per Planning Department.

- i. In addition to showing the location of all proposed lights, it is recommended that cut sheets/catalog pages be provided.

Street lighting to be coordinated with Engineering Department per Planning Department.

- j. Will a particular style of lamppost be required for individual lots? There appears to be consistency within the adjacent subdivisions. It is recommended to continue that or a similar design.

The Architectural Control Committee will take this into account when reviewing building plans. A particular lamppost will not be required but styles will be similar.

- 34. Sidewalks: Planning Staff is not recommending sidewalks. Engineering is recommending sidewalks on both sides of each street.

No sidewalks on plat to stay consistent with surrounding subdivisions. Further explanation in Project Summary.

Engineering Staff Comments

- 35. Engineering Department comments have already been provided. Please continue to work with Engineering to address all comments and questions.

Providing all documentation as requested by Engineering Department and list of questions addressed.

Police Department Staff Comments

- 36. Police Department has reviewed the application and proposal and offer 0 comments.

Fire Department Staff Comments

- 37. Fire Department has a concern over the water supply infrastructure and that the existing water infrastructure be documented so as to assure current Fire Department standards may be met for this subdivision.

Shown on plat.

Declaration of Covenants and Restrictions for Oakes Estates Subdivision

May 1, 2019

This Declaration of Covenants and Restrictions is made this First day of May, 2019 by Oakes Estates LLC (the "Declarant").

WITNESSETH:

WHEREAS, Declarant is the owner in fee simple of all the property described as follows:

S 20 ACS OF W HALF OF NW 9 5 21 CONT 20 ACS

WHEREAS, Declarant desires to subject the Property to the conditions, restrictions, covenants, reservations, and easements contained herein for the benefit of each owner of any part thereof and for the purpose to ensure the best use and most appropriate development and improvement of each lot within the Oakes Estates Subdivision; to protect the purchasers of lots against such use of surrounding lots as will detract from the residential value of their property; to guard against haphazard and inharmonious improvement of the lots and the erection thereon of unattractive or poorly designed or poorly proportioned structures; to obtain harmonious and attractive use of material and color schemes; to encourage and secure the construction within Oakes Estates Subdivision of attractive homes with appropriate locations thereof on the lots; to secure and maintain proper setbacks from streets and adequate open spaces between structures; and, in general to comprehensively provide for a high type and quality of development in Oakes Estates Subdivision of attractive homes with appropriate locations thereof on the lots; to secure and maintain proper setbacks from streets and adequate open spaces between structures; and, in general to comprehensively provide for a high type and quality of development in Oakes Estates Subdivision and thereby to preserve and enhance the values of investments made by purchasers of the lots therein.

NOW THEREFORE, Declarant hereby declares that all of the properties described above shall be held, sold and conveyed subject to the following covenants, conditions and restrictions which shall run with the real property and be binding on all parties having any right, title, or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I INTERPRETATION AND DEFINITIONS

The following words and terms used in this Declaration are defined as follows:

- 1.01 Association: Oakes Estates Homeowners Association, a Wisconsin non-stock corporation, its successors and assigns, which consists solely of the owners of homes and/or lots, as applicable, in the Oakes Estates Subdivision, Franklin, Wisconsin.
- 1.02 Board: The board of directors of the Association as constituted at such times according to the provisions of Article 5 herein below.
- 1.03 By-Laws: The By-Laws of the Association are set forth in Article VI herein below and may be changed or modified according to Article VI Section 13 hereof.
- 1.04 Common Areas: Those areas which are designated as common areas as shown on Exhibit a attached hereto, which include, but are not limited to storm water detention ponds and facilities; environmental areas,

Franklin

MAY 01 2019

2019 MAY 01 10:00 AM

wet lands, entrance ways, private roadways, landscape buffers and all other areas designated as owned by the Association.

1.05 Community Assessment: The expenses to administer the operation and maintenance of the Association, which includes those expenses as shown in the annual budget adopted by the Board and approved by the Association. Such expenses include but are not limited to the expense for maintaining all Common Areas, including the entrance ways, landscape buffers, storm water management facilities and all other improvements involving the Common Areas, professional management expense and other professional fees incurred by the Board to operate the Association and such other expenses which are for the common benefit of all the Owners.

1.06 Declarant: The Declarant is Oakes Estates LLC, a Wisconsin LLC, its successors and assigns.

1.07 Declaration: shall mean and refer to the within instrument, together with those exhibits which are attached hereto and made a part hereof and shall include such amendments, if any, as may be adopted from time to time pursuant to the terms hereof. The within Declaration may be referred to in any other document as "Oakes Estates Subdivision Declaration of Covenants and Restrictions".

1.08 Dwelling Unit(s): A single family residence or home and all appurtenances thereto which is or will be situated on a subdivided lot in Oakes Estates Subdivision, Franklin, Wisconsin. A Dwelling Unit may sometimes be referred to as residence or premises which for purposes of this Declaration shall be included in the definition of Dwelling Unit.

1.09 Easements: All areas which are designated on the Final Plat or by separate easement documents filed and recorded with the Register of deeds Office of Milwaukee County.

1.10 Municipality: The City of Franklin, Wisconsin or its successors or any other political entity which may from time to time be empowered to perform the functions and duties vested in the City of Franklin as of the time of recording the Original Declaration and this Declaration.

1.11 Owner: A record owner, whether one or more persons, of fee simple title to a Dwelling Unit or Subdivided Lot, but excluding those who have merely a security interest in a Dwelling Unit or Subdivided Lot for the performance of an obligation.

1.12 Subdivided Lot: Those parcels of land as designated as single family lots in the Final Plat of Subdivision approved by the City of Franklin and recorded in the Register of Deeds Office of Milwaukee County, Wisconsin.

1.13 Voting Member: The Owner of a lot, whether one or more persons, shall be entitled to one vote per Subdivided Lot as more fully set forth in Article V below.

1.14 Oakes Estates Subdivision: For purposes of this Declaration, Oakes Estates Subdivision shall mean all of the subdivided lots and Common Areas, designated in the Final Plat of Subdivision for Oakes Estates Subdivision, situated in the City of Franklin, Milwaukee County, Wisconsin and recorded in the Register of Deeds Office of Milwaukee County, Wisconsin.

ARTICLE II PROPERTY RIGHTS

Section 1. Members Easements of Enjoyment. Every Member shall have a right and easement of enjoyment in and to the Common Area and such easement shall be appurtenant to and shall pass with the title to every lot, subject to the following provisions

- A. The right of the Declarant or the Association to establish, from time to time, certain easements over the Common Area for utilities and common services purposes.
- B. Existing easements and agreements of record.
- C. Easements referred to in this Declaration.

Section 2. Title to the Common Area. The Declarant hereby covenants for itself, its successors and assigns, that it will convey fee simple title to the Common Area to the Association, free and clear of all encumbrances and liens.

Section 3. Declarant's Reserved Rights. Notwithstanding any provision herein to the contrary the Property Rights under this Article shall be subject to:

- A. The right of the Declarant to execute all documents and take such actions and do such acts affecting the Property which, in the Declarant's sole discretion, are desirable or necessary to facilitate the Declarant's actual construction or development of the Property. However, nothing contained herein shall authorize the Declarant to take any action that would diminish the rights of any lienholder or the holder of any mortgage on any Lot or on the Common Area, or take any action that will affect title to any of the Lots after conveyance to third parties;
- B. Easements of record on the date hereof and any easements which may hereafter be granted by Declarant to any public or private utilities or governmental bodies for the installation and maintenance of cable television, electrical and telephone conduit and lines, natural gas lines, sewer or water pipes, or any other utilities or services to any Lots within the Property or any portion of the Common Area;
- C. The Declarant shall have full rights of ingress and egress to and through, over and about the Common Area, during such periods of time as the Developer is engaged in any construction or improvement work on or within the Property, and shall further have an easement thereon for the purpose of the storage of materials, vehicles, tools, equipment, etc., which are being utilized in such development or construction; and
- D. The Declarant shall have full right to assign all of its right, title and interest in the Property both as Declarant and as a member of the Association to another party by the execution and recording of proper instruments.
- E. The Declarant shall have the right to add additional platted lots to the existing property and thereby make such additional platted lots be subject to all of the terms and conditions of this Declaration. The Declarant shall have the right to bring within this Declaration one or more additional subdivisions as future phases of the Development.

Section 4. No Dedication to Public Use. Nothing contained within this Declaration shall be construed or be deemed to constitute a dedication, express or implied, of any part of the Common Area to or for any public use or purpose whatsoever.

ARTICLE III ARCHITECTURAL CONTROL COMMITTEE

An Architectural Control Committee ("Committee") for Oakes Estates Subdivision is hereby established. The Committee shall consist of no more than three members, as designated herein. The decision of the majority of the members of the Committee shall be final and binding upon all parties. The members of the Committee shall be not entitled to compensation for services performed pursuant to this Declaration. The initial members of the Committee shall be appointed by the Declarant. The Declarant shall have the right to remove and replace members of the Committee, at its sole discretion, as long as the Declarant owns any vacant lot in the subdivision. At such time that all lots are sold by the Declarant, the Committee shall thereafter consist of the Board of Directors of the Owners Association, established herein. Notwithstanding the above, members of the Declarant shall act as the Committee and shall make all decisions concerning the approval of house plans involving the construction of the Dwelling Units on the subdivided lots.

No building, outbuilding or other structure, swimming pool, fence, wall, driveway, or any other such structure or improvement shall be constructed, erected, placed or altered on any lot in Oakes Estates Subdivision without the approval of the Committee. For such undertaking requiring the approval of the Committee, three surveys, which are dated and signed by surveyor and owner, three sets of plans, which are dated and signed by owner and designer, and a color board consisting of exterior colors and shingles, signed by owner (collectively, the "Plans") shall be submitted to the Committee (Attention: General Manager) for their review. If and when such plans are approved two surveys and two sets of plans shall be signed, dated by a representative of the Committee and returned to the lot owner as evidence of such approval, one copy of which shall be transmitted by the owner to the local building inspector, prior to obtaining the necessary building permits. Any changes or revisions required by the Committee shall be first made to the surveys and plans before approval is given. All approved surveys and plans must be strictly adhered to.

The Committee shall not be liable for actions taken or decisions made in good faith. The Committee may take in consideration such matters as the suitability of the proposed building, structure or improvement, its design, elevation, color, construction materials, the harmony thereof with surrounding buildings, its proposed location, view from other properties in the subdivision, and such other related matters which may have an aesthetic or environmental impact on other lots in the subdivision. All action taken by the Committee shall be final and conclusive as to all persons then or thereafter owning lots in the subdivision.

In addition to these restrictions, all construction shall comply with applicable zoning and building codes.

It is not intended that the Committee have full knowledge of or expertise in matters of zoning, building codes proper drainage. The Committee shall have no liability or responsibility in the event it approves plans which fail to comply with applicable zoning or building codes and/or fail to properly handle drainage. In such event, it shall be the sole responsibility of the lot owner to have appropriate corrections made to the plans and submit the revised plans to the Committee for its approval prior to construction.

All Dwelling Units shall consist of natural materials such as wood, natural stone, brick, stucco, and/or cement fiber board or such similar materials. The soffits and fascia shall consist of wood and/or cement fiber board. Further, the Committee shall have the right to permit or prohibit the use of artificial stone, artificial brick, composite wood and/or other types of siding as either may deem appropriate to preserve the architectural integrity and quality appearance of the buildings in the subdivision. No exposed poured concrete or concrete block over eight inches shall be permitted on any house. Where block or concrete would otherwise be exposed, it must be covered by the house siding, or by brick or stone. The roofs of all Dwelling Units shall have a minimum pitch of 8/12 with a minimum pitch on the porch and shed roofs of 10/12. The roofing of all houses shall consist of wood, tile, or fully dimensional asphalt shingles. In no event shall conventional shingles be permitted.

All residences shall include an attached garage with enough square footage to reasonably accommodate two and one half (2 1/2) cars. Notwithstanding the foregoing, a garage with a capacity larger than three (3) cars may be allowed at the discretion of the Committee and provided that the garage does not appear larger than a three (3) car garage and the architectural integrity of the home and garage is otherwise maintained. All garages shall be equipped with automatic garage door openers for all overhead doors.

Adjacent homes shall not have similar front elevations. Windows and dormers shall be required on all elevations to create a variation and dimension of the type of homes allowed in Oakes Estates Subdivision. The intention of Declarant is to prevent the construction of boxes or barren elevations. Side entry garages shall be required wherever it is practical. Full masonry or masonry clad fireplaces shall be required to be installed inside Dwelling Units.

ARTICLE IV BUILDING, STRUCTURE AND CONSTRUCTION RESTRICTIONS

Section 1. Minimum House Size. The following are minimum required square footage requirements of living space for single family residences constructed in the Oakes Estates Subdivision:

- A. One Story houses shall have a minimum square footage of living space of not less than 2,400 square feet.
- B. Two-story shall have a minimum square footage of living space of not less than 2,800 square feet with a minimum of not less than 1,800 square feet of living space on the first floor.
- C. No bi-level houses shall be allowed in the subdivision.
- D. Dwelling Units shall not exceed forty (40) feet in height.

Living space is determined by outside dimensions (exclusive of garages, porches, patios, breezeways and similar additions) of the exterior walls. The minimum square footage shall be determined as of the time of initial construction and shall not include unfinished areas, future additions or finished basements.

The Committee, in their sole discretion, may grant approval for any house on any lot with square footage of up to ten percent (10%) less than the minimum required above, provided, however, in no event shall any house be constructed on any lot with square footage below the minimum standards established for R3E zoning classification in the City Franklin, Wisconsin.

Section 2. Landscaping. Owner shall seed or sod the front, side and back yards within 1 year of completion of the Dwelling Unit, weather permitting. Seed or sod shall be planted and properly protected and watered to produce lawn. Owner shall install one tree in the front yard and as indicated on the survey with a diameter of two inches within one year from the date of completion of the Dwelling Unit. The owner shall be required to build concrete walks and driveways within one year of the completion of the Dwelling Unit.

Section 3. Construction of Residence. The residence shall be completed within eighteen (18) months of the date of commencement of construction. If an owner fails to complete the residence within eighteen (18) months of the date of commencement of construction, Declarant and the Association (jointly and severally) shall have the right to pursue all remedies available at law or in equity against the owner to enforce completion of the residence.

Section 4. Construction of Other Improvements. The construction of outbuildings and other ancillary improvements (including, without limitation, any type of fencing) will be permitted, provided the construction of such improvements are approved by the Committee and the City of Franklin prior to the commencement of work involving such improvements. Notwithstanding the above, no fencing greater than seventy-two (72) inches in height, shall be allowed to be built in the Oakes Estates Subdivision. There shall be

no above-ground swimming pools permitted within the subdivision. All outbuildings and ancillary structures must be constructed of similar material and similar colors as the Dwelling Unit, or as otherwise approved in writing by the Committee.

Section 5. Nuisances and Waste. No noxious or offensive activities shall be carried on upon any lot or out lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. No Owner shall commit waste.

Section 6. Storage. No outside storage of boats, motorcycles, snowmobiles, all-terrain vehicles, trailers, tractors or other paraphernalia shall be permitted on any Subdivided Lot.

Section 7. Animals and Livestock. No animals may be raised, bred, or kept on any lot or outlot except that cats, dogs, or other household pets may be kept on a lot providing they are not kept, bred, or maintained for any commercial purposes.

Section 8. Lamp Posts and Mail Boxes. Each lot owner shall install a lamp post and mail box, which shall be installed at the lot owner's expense prior to the date of issuance of the occupancy permit. Said lamp post and mail box shall be located as determined by the Committee.

Section 9. No sign of any kind shall be displayed to the public view on any Lot, except one sign advertising the Lot for sale, or signs used by a building contractor to advertise the property during the construction period or by the Developer to advertise the Property during the construction and sale of the homes, or as approved by Developer. Dish antennae of more than twenty-four (24) inches in diameter for the reception of satellite transmissions may not be erected within the subdivision, unless they are not visible from any roadways or streets within the subdivision.

Section 10. Storm Water Management. The City of Franklin and the Declarant have entered into a Storm Water Maintenance Agreement, which is recorded with Milwaukee County Register of Deeds Office and by this reference made a part hereof. It is understood that the Storm Water Maintenance Agreement requires the Association to maintain all storm water ponds and facilities according to best management practices and pursuant to applicable Ordinances of the City of Franklin. The best management practices include the maintenance of all storm water facilities, including sediment removal, if necessary, and all other improvements and vegetation provided to control the quantity and quality of storm water all according to Section 15-8.0600 of the City of Franklin Unified Development Ordinance.

Section 11. Lot Grading. To avoid a substantial increase in surface water drainage onto adjoining Lots, all landscaping shall provide for adequate drainage of storm and surface water toward adjoining streets or rear yard, in accordance with the Subdivision's Master Site Grading Plan, and away from adjoining Lots if natural drainage on the Lot is to be or has been altered by grading or landscaping by any Lot Owner.

Section 12. Each Lot Owner shall be responsible for compliance with the grading plans prepared by the Developer, which designate the manner in which each Lot shall drain in relation to all other Lots in the Subdivision and the grade elevation of the Home to be constructed thereon. At the time a building permit is requested, the grade elevation for each Home shall be obtained from the city building inspector, and the Home shall be constructed accordingly, and from that time forward nothing shall be done that impedes or obstructs the drainage in accordance with such plan.

Section 13. If fill is necessary on a Lot to obtain the proper topography and finished ground elevation, such fill shall be free of waste material and shall not contain noxious or hazardous materials. Any dumping of fill material shall be leveled immediately after completion of any Home or Improvement. If required by the City, a fill permit shall be obtained prior to dumping such fill.

Section 14. Developer hereby reserves easement rights over all Lots for a period of five (5) years from the date of execution of this Declaration of Restrictions for the purpose of correcting any drainage problems within or associated with the subdivision, including grading, removal of trees and shrubbery, and other similar actions. This reservation of easement creates a right for Developer to correct any drainage problems, but not an obligation to do so.

Section 15. Each Lot Owner shall be responsible for repairing any damage to and removing any debris from the roadways, ditches, and utilities within the Subdivision caused by such Lot Owner or such Lot Owner's contractors or subcontractors. Each Lot Owner shall use only such Lot Owner's own Lot for construction purposes. Any damage caused as herein described shall be charged to the Lot Owner causing such damage.

Section 16. Each Lot, including all front, side, and rear yards, and each Home and Improvement shall be maintained by the Lot Owner so as to be in good repair and neat in appearance when viewed from any street or other Lot. No brush piles, trash, or unnatural accumulations of debris shall be stored, accumulated, or located on any Lot. There shall be no burning or burial of any garbage, trash, or debris at any time, other than for burning of leaves and light brush to the extent permitted by the city and county. Developer may, but shall not be obligated to, improve any areas of the Subdivision with grass or plantings or to cut grass or foliage growing in a natural environment.

Section 17. Residential Use. Each Dwelling Unit shall be used only as a residence, provided that no Owner shall be precluded from using the Dwelling Unit for purposes of conducting an in-home business, provided such activity does not create a nuisance to other Owners and such use is permitted by the ordinances of the City of Franklin.

Section 18. Rules and Regulations. The Board of Directors may adopt such rules and regulations which they deem necessary to promote the use, occupancy and enjoyment of the Common Areas for the welfare of all the Owners in the Oakes Estates Subdivision. Such rules and regulations shall only be effective and binding upon the Owners (i) after notice of such rules is received; and (ii) two third (2/3's) of the Owners vote to approve the adoption thereof.

ARTICLE V BUILDING SET BACKS

Section 1. Building Set Backs. It is one of the intentions of the covenants and restrictions to create a completed community whose site plan is varied and well integrated to the overall site surroundings as well as the specific lot.

Therefore, the minimum building offsets (unless otherwise noted on the plat) are:

50 feet from the street property lines; 15 feet from the side property lines;

30 feet from all rear property lines; and

40 feet from all corner side yard, setbacks.

In addition to the above, all Dwelling Units shall be built within the building pad designated for such lot as set forth on the subdivision plat. No existing trees with a diameter of four (4) inches or more and a height of four (4) feet or more shall be cut down, destroyed, mutilated, moved or disfigured, without the approval of the Committee.

ARTICLE VI OAKES ESTATES HOMEOWNERS ASSOCIATION

Section 1. Creation and Purpose. An unincorporated association ("Association") made up of those persons who are Owners, whether one or more persons or entities, of the fee simple title to any lot situated in Oakes Estates Subdivision is hereby created for purposes of: (a) managing and controlling the common affairs of Oakes Estates Subdivision; (b) owning, managing, controlling, and maintaining any Common Areas in Oakes Estates Subdivision as set forth in the plat and including but not limited to maintaining the storm water detention basins and facilities and Common Area green space; and (c) performing other duties as set forth herein for the common benefit of the Owners. The Association shall be known as "Oakes Estates Homeowners Association."

Section 2. Initial Committee/Term. The Association shall be governed by a three-member committee, hereinafter referred to as the "Board" which shall be solely responsible for the activities of the Association. The initial members of the Board shall be appointed by the Declarant. To qualify as a member of the Board, a person must be either an Owner or a duly designated officer, agent or representative of an Owner. The term of the initial members of the Board shall commence at the date this Declaration is recorded and continue until the earlier of the commencement of construction of all of the lots in Oakes Estates Subdivision or until the Declarant determines to relinquish its membership or any part thereof of the Board. Declarant shall have at least one member on the Board as long as, Declarant is the owner of at least one lot in Oakes Estates Subdivision.

Section 3. Initial Funding. Declarant shall establish a working capital fund equal to two months of the Association Dues. Said amount shall be collected from a Buyer each time a lot and/or home in the Oakes Estates Subdivision is sold and paid to the Association for the specific purpose mentioned herein below. The working capital fund shall be used to meet unforeseen expenditures and any amount paid into the working capital fund shall not be considered as advance payments of regular assessments. While Declarant is in control of the Association, Declarant shall not use any part of the working capital fund to defray its expenses or construction costs or to make up any budget deficits. When control is transferred to the Association, the working capital fund shall be accounted for and transferred to the Association for deposit into the reserve fund. The Declarant shall have no authority to use the working capital fund for any expenditures related to Declarant's obligations to complete the subdivision, including any landscaping required to be installed by the City of Franklin.

Section 4. Board Members Terms. After the initial members have been replaced as provided herein, the term of office of any Board member shall for a period of two (2) years from the date of such Board member holds office. If any Board member shall die, resign, be unable to act or cease to be qualified as a member, the unexpired term of such member shall be filled by special election of the Association.

Section 5. Voting. Declarant and every record owner of a lot in the Oakes Estates Subdivision shall be a member of the Association. Each Owner (whether the lot is owned singularly or collectively) shall be entitled to one ill vote in the affairs of the Association for each lot owned.

Section 6. Meetings. All meetings of the Board shall be open to all Owners and shall be held not less than three (3) days prior to written notice to all Owners. Two (2) members of the Board shall constitute a quorum. Actions of the Board shall be taken by majority vote of the members of the Board. The Board shall call a meeting of all Owners of the Association no less than one (1) time per calendar year.

Section 7. Board Duties. The Board shall have the following duties:

- A. To provide for the maintenance of improvements in the Common Areas and outlots; including the perpetual maintenance of all storm water drainage and detention and retention facilities located in the

Common Areas which shall be maintained to the same standards to which they were constructed pursuant to the Ordinances of the City of Franklin and according to the terms and conditions of the Storm Water Maintenance Plan filed with the City of Franklin;

- B. To establish dates and procedures for the election of members to the Board;
- C. To promulgate operating procedures for the conduct of the Association's and Board's affairs;
- D. To enforce the terms, conditions and restrictions contained in the Declaration according to the terms thereof; and
- E. Establish and maintain an Architectural Control Committee subsequent to the initial Architectural Control Committee established and controlled by the Declarant as herein defined. Such Architectural Control Committee shall consist of three (3) persons appointed by the Board. No Owner of a vacant lot (except Declarant) shall have the right to serve on the Architectural Control Committee. Upon delegation by the Declarant's authority under this Declaration, the Architectural Control Committee shall have all of the rights and obligations of the Declarant.

Section 8. Board Powers. The Board shall have the following powers:

- A. Take such action as may be necessary to cause the Common Areas and outlots to be maintained, repaired, landscaped and kept in good, clean and attractive condition; including the perpetual maintenance of all storm water drainage and detention and retention facilities located in the Common Areas which shall be maintained to the same standards to which they were constructed pursuant to the Ordinances of the City of Franklin and the Storm Water Maintenance Plan filed herein;
- B. To enter into contracts and to employ agents, attorneys or others for purposes of discharging its duties and responsibilities hereunder;
- C. To levy and collect assessments in accordance with the provisions of Section 9 hereunder; and
- D. To do anything or take any action which is incidental to or necessary for the Board to perform its duties and discharge its obligations under this Declaration.

Section 9. Assessments. The Board shall levy and collect assessments in accordance with the following:

- A. The Owner of each lot shall be subject to a general annual charge or assessment ("General Assessment") equal to its pro rata share of the costs incurred or anticipated to be incurred by the Association in performing its duties and discharging its obligations hereunder. The pro-rata share of an Owner of a Subdivided Lot shall be a fraction, the numerator of which shall be one (1) and the denominator of which shall be sixteen (16). Said costs shall include, but not be limited to: repairs, plantings, replacements and additions to the improvement made to Common Areas and outlots, the perpetual maintenance of all storm water drainage facilities according to the terms mentioned above, equipment, materials, labor, management and supervision thereof, and all costs for the Association reasonably incurred in conducting its affairs and enforcing the terms, conditions and restrictions contained in this Declaration. The Board shall also have the power to levy an assessment against any individual Owner to: maintain said Owner's Subdivided Lot in accordance with the reasonable standard of the subdivision and/or the failure of such Owner to comply with the terms, conditions, and restrictions contained in this Declaration.
- B. The Board shall have the power to levy a Special Assessment as provided for below to pay expenses other than those expenses incurred for the operation of the community as provided for in the General Assessment or build up reserves. Any Special Assessment shall be levied against all Dwelling Units in equal shares. No Special Assessment shall be adopted without an affirmative vote of at least two thirds (2/3's) of the votes of the Owners upon whom the Special Assessment is levied against and only those Owners whom the Special Assessment is levied against are entitled to vote. The Board shall serve notice to all Owners of the Special Assessment by a statement in writing giving the

specific purpose and reasons for the Special Assessment in sufficient detail required by a reasonable person to make a determination of whether the Special Assessment is needed, including the amount of the Special Assessment is sufficient detail required by a reasonable person to make a determination of whether the Special Assessment is needed, including the amount of the Special Assessment, terms of payment of the Special Assessment and all other such details. All Special Assessments collected herein shall be segregated in special account and used only for the specific purpose set forth in the notice and for no other purpose.

- C. The Board shall serve notice to all Owners of the General Assessments and Special Assessments by a statement in writing that shall be approved at a duly convened meeting of the Board.
- D. Written notice of an Assessment shall be personally delivered to each Owner or by delivery by regular mail addressed to the last known address of such Owner.
- E. Assessments shall be due and payable on or before thirty (30) days after mailing or personal delivery of the notice or at the time specified for payment of the assessment as set forth in the notice, which ever time is greater.
- F. Assessments not paid when due shall bear interest at the rate of twelve percent (12%) per annum from the date due until paid in full and such unpaid Assessments, and the interest thereon, shall constitute a continuing lien on the Subdivided Lot against which is assessed until paid in full. The Assessment and interest thereon shall also be a personal obligation of any current or subsequent Owner of the lot against which the Assessment was made.
- G. The Board may record a document with the Register of Deeds in Milwaukee County, Wisconsin, giving notice of a lien for any such unpaid Assessment and upon payment or satisfaction of the amount due record a document canceling or releasing any such lien. The failure to file any such lien notice shall not impair the validity of the lien. All recording and attorney fees related to any such document for the collection of an Assessment shall be borne by the affected Owner.
- H. Any lien of the Association may be foreclosed by suit brought by the Committee, acting on behalf of the Association, in a like manner as the foreclosure of a mortgage on real property. The affected Owner shall be responsible for all the Association's costs in collecting the Assessment, including but not limited to attorney's fees.

Section 10. Limitations. During the initial term of the Board, the Board shall not have the power to make improvements to the Common Areas without the express written approval of the Declarant. After the initial term of the Board, the Board shall have no authority to make additional improvements costing in excess of Five Thousand Dollars (\$5,000.00) without the consent of seventy five percent (75%) of the Owners.

Section 11. Board Liability. Members of the Board shall not be liable for any action taken by them in the good faith discharge of their duties, even if such action involves a mistaken judgment or negligence. The Association shall indemnify and hold the Board harmless from and against any and all costs or expenses, including reasonable attorney's fees incurred in connection with any suit or other action relating to the performance of their duties hereunder.

Section 12. No Waiver. Failure of the Association, Board, or the Committee to enforce any of terms, covenants, conditions, or restrictions contained in this Declaration, shall not be deemed to be a waiver of the rights to do so or any acquiescence to that violation or any subsequent violation.

Section 13. Amendments. No amendment or modification, repeal or termination of this Declaration shall be valid unless in writing and signed by two thirds (2/3) of the Owners. Unless otherwise provided in such amendment or modification, this Declaration shall be considered to be amended only to the minimal extent necessary to give effect to this Declaration and the other terms and conditions of this Declaration shall continue with full force and effect.

Section 14. Initial Members of the Committee. The Declarant shall appoint or elect the initial members of the Board prior to the first sale of a Subdivided Lot to an Owner other than the Declarant or an affiliate of the Declarant. Until such time, the Declarant may act on behalf of the Association.

Section 15. Notwithstanding anything to the contrary set forth in the Declaration: (i) is not a member of the Association, nor shall be construed to be a member of Association; (ii) no fees, assessments, charges or liens shall be imposed on or levied against its assigns, successors in interest, or any successor owner of the Property, or the Property (as defined herein), nor shall its assigns, successors in interest, or any successor owner of the Property have any liability or obligation therefore as a result of this Declaration or otherwise; and (iii) the Declaration shall not burden or encumber, nor be construed to burden or encumber, all or any portion of the Property.

ARTICLE VII MAINTENANCE OF COMMON AREAS

Section 1. Easements. The Association shall have the right and authority from time to time to grant easements, licenses, or concessions with regard to any portion of all of the Common Areas and Easements and for such uses and purposes as the Board deems to be in the best interests of the Owners and which are not prohibited hereunder including without limitation the right to grant easements for utilities, the right to grant public access to the Common Areas and Easements, or any other purpose which the Board deems to be in the best interests of the Owners. Any proceeds from the easements, licenses, or concessions with respect to the Common Areas shall be used to offset the expenses of the Association.

Section 2. Maintenance. The following maintenance, repairs, and replacements shall be furnished by the Association as a Common Area Expense:

- A. Maintenance of trees, shrubs, flowers, grass, and other landscaping on the Common Areas and Easements;
- B. Maintenance, repair and replacement of all monument signs, entrance features and other improvements located in the Common Areas and Easements;
- C. Maintenance, repair and replacement of all storm water facilities and associated structures located in the designated Common Areas and Easements as required by the Storm Water Maintenance Plan filed with the City of Franklin.

Section 3. Professional Management. The Declarant has determined that it is in the best interests of the Owners to hire a professional management company to assist in the daily management of the affairs of the Association. In this regard the management company shall act on behalf of the Board of Directors to manage the maintenance of the Common Area and Easements; collect assessments; assist in the preparation of the budgets; send out notices and to conduct such other necessary business on behalf of the Association with the consent of the Board.

ARTICLE VIII ENFORCEMENT

Section 1. Creation of Right. The Declarant hereby covenants and the Owners by acceptance of a deed of conveyance of a Subdivision Lot and/or Dwelling Unit, (whether or not such conditions are expressed in said deed or other conveyance) shall be bound by the terms and conditions of this Declaration, including the specific obligation to pay to the Association all charges made with respect to the operation of the Association, as a community assessment or such special assessments as may be from time to time be approved under the terms and conditions hereof. All such assessments, together with any interest thereon and reasonable costs of

collection, including reasonable attorney's fees incurred in the collection of such assessments shall be a lien upon the Dwelling Unit and/or Subdivided Lot against which such assessment is made and shall be a personal obligation of the Owner of the Dwelling Unit and/or Subdivided Lot at the time the assessment becomes due.

The lien or personal obligation shall be in favor of and shall be enforced by the Association.

Section 2. Non-Payment of Assessments. All assessments which are not paid to the Association when due shall be deemed delinquent. All assessments which are delinquent for more than thirty (30) days from the due date shall carry interest at the rate of twelve percent (12%) per annum or the maximum rate permitted by law, whichever is less, from the date the assessment is due until said assessment is paid. The Association may bring an action against the Owner to collect the delinquency and/or enforce and foreclose any lien which it has or which may exist for its benefit. Each Owner shall be charged an assessment and is obligated to pay such assessment by reason of such Owners ownership in the Dwelling Unit or Subdivision Lot and no Owner may waive his or her obligation to such assessments for any reason, including the non-use of the Common Areas.

Section 3. Board Action. In the event of a violation or breach of this Declaration by an Owner or any rules or regulations adopted under the terms hereof, which such violation or breach may be cured or abated by affirmative action, then the Board, upon the expiration of 10 days from the date of receipt of written notice to the Owner shall have the right, but not the obligation to enter upon the Dwelling Unit where the violation or breach exists to remove or rectify the violation or breach, at such Owners expense. If the violation or breach occurs inside the Dwelling Unit, then the Board can only enter the Dwelling Unit upon Court Order.

Section 4. Remedies. The Board are entitled to bring any lawful action either or both deem necessary to enforce the provisions of this Declaration, including but not limited to injunctive relief, foreclosure or any other action in law or equity in the name of the Association and/or against any person or persons violation or attempting to violate any of the provisions of this Declaration, included in such action shall be the payment of reasonable attorney's fees and cost of enforcement incurred by the Association, or both in connection with such enforcement action.

Section 5. Enforcement by Owners. The enforcement provisions of this Declaration and any rules and regulations adopted by the Association hereunder may be pursued by any aggrieved Owner against such person or persons violating or attempting to violate any provisions hereunder. In an award for any damages, including injunctive relief the aggrieved Owner shall be entitled to reasonable attorneys fees and costs of litigations incurred to enforce such provisions.

ARTICLE IX GENERAL PROVISIONS

Section 1. Government Restrictions. The Declarant, its successors and assigns and all parties hereafter having an interest in the Property, are subject to all rules, codes, regulations and ordinances of the City of Franklin, Milwaukee County, State of Wisconsin and the Federal Government, and the same may be more restrictive than these restrictions. In the event of a conflict between the requirements of these restrictions and any provision of any Municipal, County, State or Federal Government, the more restrictive provisions shall apply.

Section 2. Severability. Invalidation of any of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

Section 3. Amendments. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty (30) years. From that date these covenants shall be

automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then Owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

Section 4. Notices. Any notice sent to any Owner under the provisions of this Declaration shall be deemed to have been properly sent when (i) mailed, postage prepaid to such Owners last known address as it appears on the records of the Association at the time of such mailing, or (ii) when the notice is personally delivered to such Owner's Dwelling Unit.

Section 5. Declarant hereby declares that pursuant to Sections 706.09 and 893.33 of the Wisconsin Statutes: (i) the provisions of this Declaration are to be extended beyond the applicable time period set forth in the statute; and (ii) Declarant from time to time file of record the proper instrument for the purpose of extending the terms stated herein beyond the statutory period so that such covenants, conditions, and restrictions are not terminated.

IN WITNESS WHEREOF, this Declaration of Restrictions is executed by Oakes Estates, LLC, as Developer and Declarant, as of the date first written above.

Oakes Estates, LLC.

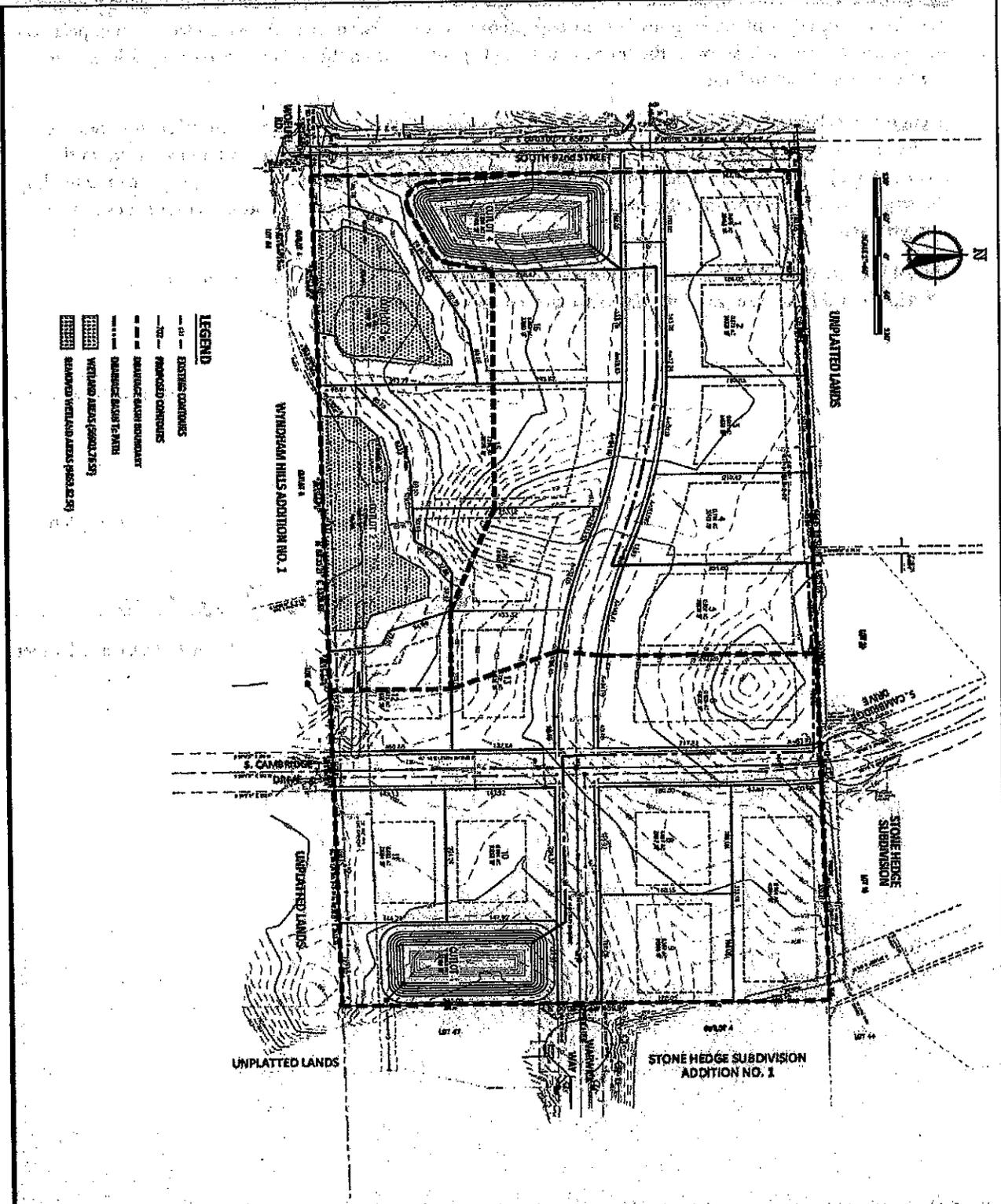
By: _____

Maxwell J Oakes, Member

By:  _____

Daniel D Oakes, Member

EXHIBIT A



- LEGEND**
- EXISTING CONTOURS
 - PROPOSED CONTOURS
 - ADJUSTED GRADE BOUNDARY
 - CHANGING GRADE TO WATER
 - WETLAND AREAS (SPECIAL USE)
 - ADJUSTED WETLAND AREAS (SPECIAL USE)

NO.	SECTION	BY	DATE

2018.01.17.01
2 of 2

**OAKES ESTATES SUBDIVISION
CONCEPT PLAN**
FOR
OAKES ESTATES, LLC
CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN

Nielsen Madsen + Barber
CIVIL ENGINEERS AND LAND SURVEYORS
1458 Horizon Blvd, Suite 200, Racine, WI 53406
Tel: (262)534-5388 Website: www.nmbc.net





NATURAL RESOURCES PROTECTION PLAN

March 29, 2019

Revised based on City of Franklin
Comments July 2, 2019

TRC Project No. 325119-0000-0000

Oakes Estates Subdivision

Parcel Tax key 7549998000
City of Franklin, WI 53132

Prepared For:

Oakes Estates, LLC
2000 Oakes Road
Racine, WI 53406

Prepared By:

TRC Environmental Corporation
150 N. Patrick Blvd., Suite 180
Brookfield, WI 53045

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APPENDICES

Appendix A:	Figure 1 – Natural Resource Protection Plan Sheet
Appendix B:	Wetland Delineation Report (Provided by SEWRPC)
Appendix C:	Table 15-3.0502: Worksheet for the Calculation of Base Site Area for Both Residential and Nonresidential Development
	Table 15-3.0503: Worksheet for the Calculation of Resource Protection Land
	Table 15-3.0504: Worksheet for the Calculation of Site Intensity and Capacity for Residential Development
	NRPP Checklist
Appendix D:	Site Photographs
Appendix E:	USACE Approved Jurisdictional Determination
	WDNR Artificial Wetland Exemption Determination
	WDNR Non-federal Wetland Exemption Determination

1.0 Introduction

On behalf of Oakes Estates, LLC., TRC Environmental Corporation (TRC) has developed a Natural Resource Protection Plan (NRPP, Appendix A) for Oakes Estates Subdivision. The property is approximately 20 acres and located in Section 9, Township 5 north, Range 21 east, east of the intersection of S 92nd Street and W Grandview Court in the City of Franklin, Milwaukee County, Wisconsin.

Landowner Information:

Oakes Estates, LLC
2000 Oakes Road
Racine, WI 53406

The purpose of this NRPP was to determine the current location and extent of City of Franklin regulated natural resources for the proposed development of a residential community. The results of our study are presented here in terms of methodology, results, and conclusions.

This NRPP has been revised July 2, 2019 based on review comments received from the City of Franklin in June 2019.

2.0 Methods

The City of Franklin Unified Development Ordinance (UDO) requires natural resource protection of steep slopes, mature woodlands, young woodlands, lakes and ponds, streams, shore Buffers, floodplains/floodways/floodlands, wetland buffers, wetlands and shoreland wetlands. The following sections describe the methodology used to determine the locations and extents of these natural resources.

2.1 Steep Slopes

Three categories of steep slopes are defined within the UDO. These categories are based upon the relative degree of the steepness of the slope as follows: ten (10) to nineteen (19) percent, twenty (20) to thirty (30) percent and greater than thirty (30) percent. No land area is considered a steep slope unless the steep slope area has at least a ten (10) foot vertical drop and has a minimum area of five thousand (5,000) square feet. Steep slopes exclude man-made steep slopes.

In order to determine if steep slopes were present, TRC reviewed a site topographic survey conducted by Nielsen Madsen & Barber, SC.

2.2 Mature Woodlands

A mature woodland is an area or stand of trees whose total combined canopy covers an area of one (1) acre or more and at least fifty (50) percent of which is composed of canopies of trees having a diameter at breast height (DBH) of at least (10) ten inches; or any grove consisting of eight (8) or more individual trees having a DBH of at least twelve (12) inches whose combined canopies cover at least fifty (50) percent of the area encompassed by the grove. However, no trees grown for commercial purposes are considered a mature woodland.

TRC identified wooded areas within the property that could potentially contain mature trees; these areas were field checked by a TRC scientist to determine if the mature woodland parameters were met.

2.3 Young Woodlands

A young woodland is an area or stand of trees whose total combined canopy covers an area of one-half (0.50) acre or more and at least fifty (50) percent of which is composed of canopies of trees having a DBH of at least three (3) inches. This excludes trees grown for commercial purposes.

TRC identified wooded areas within the property that could potentially meet the parameters of young woodland; these areas were field checked by a TRC scientist to determine if the young woodland parameters were met.

2.4 Lakes and Ponds

A lake is defined by the UDO as any body of water two (2) acres or larger in size as measured by the shoreline at its maximum. A pond is defined by the UDO as all bodies of water less than two (2) acres in area as measured by the shoreline at its maximum.

TRC reviewed the wetland delineation report prepared by SEWRPC dated February 1, 2018 for aquatic resources other than wetlands.

2.5 Streams

A stream is defined by the UDO as a course of running water, either perennial or intermittent, flowing in a channel.

TRC reviewed the wetland delineation report prepared by SEWRPC dated February 1, 2018 for aquatic resources other than wetlands.

2.6 Shore Buffers

A shore buffer is defined as the undisturbed land area (including undisturbed natural vegetation) within seventy-five (75) feet landward of the ordinary high-water mark of all navigable waters (lakes, ponds, and streams) and parallel to that ordinary high-water mark.

TRC reviewed the wetland delineation report prepared by SEWRPC dated February 1, 2018 for aquatic resources other than wetlands identified by SEWRPC during the October 13, 2016 field work.

2.7 Floodplains/Floodways/Floodlands

A floodplain is an area outside of the floodway that is subject to inundation by the 100-year flood; this ordinance includes the Floodplain Conservancy District and the Floodplain Fringe Overlay District. Floodways are designated portions of the 100-year flood that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases. Floodlands are areas,

including channels, floodways and floodplains of any given reach, which are subject to inundation by the flood with a given recurring frequency. The 100-year flood is generally used for zoning regulation. This ordinance uses the 50-year flood and the 10-year flood events also.

TRC reviewed the best available information for floodplains, floodways, and floodlands within the property.

2.8 Wetland Buffers (2003-1747 Section 19)

Wetland buffers are the undisturbed land area within thirty (30) feet of the delineated wetland boundary.

TRC assessed the Study Area during a January 2019 site visit to field verify if there were areas that would be considered to be undisturbed. It was determined that the prior agricultural fields are currently fallow and volunteer, ruderal plants were dominating the fields and are presently undisturbed.

2.9 Wetlands and Shoreland Wetlands

The UDO defines a wetland as an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. Shoreland wetlands are wetlands located within one thousand (1,000) feet of a lake, pond, or flowage, or three hundred (300) feet from a river or stream, or to the landward side of a floodplain. TRC reviewed the wetland delineation report prepared by SEWRPC dated February 1, 2018 for wetlands identified by SEWRPC during the October 13, 2016 field work.

3.0 Results

It was determined that no steep slopes, mature or young woodlands, lakes, ponds, streams, shore buffers, floodplains, floodways, floodlands or shoreland wetlands are present within the property.

It was determined that wetlands and wetland buffers are present within the property.

3.1 Wetlands

According to the February 1, 2018 SEWRPC Wetland Delineation Report, two wetlands were delineated, and their plant community areas were identified and inventoried during the October 13, 2016 field work totaling approximately 1.77 acres (Appendix B). Wetland W-1 was 1.7-acres (74,052 Sq. Ft.) and wetland W-2 was approximately 0.07-acres (3,049 Sq. Ft.). Wetland plant community areas are based on the boundaries staked and surveyed by SEWRPC using a hand-held sub-meter accuracy GPS device.

An approved jurisdictional determination request was submitted to the St. Paul District U.S. Army Corps of Engineers (USACE) Regulatory Branch on June 18, 2018 for wetlands W-1 and W-2. In a letter dated December 21, 2018 (Regulatory File No. 2018-01719-MHK, Appendix B) the USACE determined no waters of the United States were present within the site (Appendix E).

An artificial wetland exemption determination was conducted by the WDNR. A letter from the WDNR dated July 5, 2018 indicated that one wetland (wetland W-2) in the northeast corner of the property is an artificial wetland and is exempt from state regulations (Appendix E).

Wetland W-2 is not under the jurisdiction of the USACE and has been determined to be exempt from state regulations; therefore, the wetland is not shown on the NRPP nor has it been used for the site calculations.

A Non-Federal Wetland Exemption Request was submitted to the Wisconsin Department of Natural Resources (WDNR) for part of wetland W-1 on February 4, 2019 (Appendix E). The WDNR requested additional information to verify the quality of wetland W-1. At the request of WDNR, TRC did additional botanical surveys in March 2019 to assess the quality of the portion of wetland located south of the Project Area and provided this information to the WDNR. In a letter dated April 2, 2019 (EXE-SE-2019-41-00326) the WDNR determined the portion of Wetland W-1, as shown on the map for the exemption request, met the criteria for a non-federal wetland exemption.

At the request of the City of Franklin's Planning Department, these non-federally exempted wetland areas, and associated 30' wetland buffers, are included in the site calculations table included on the NRPP plan.

In order to better distinguish the separate sections of what SEWRPC labeled as wetland W-1 within the Project area, the wetland sections were relabeled as W-1, W-2 and W-3 in the NRPP Figure (Appendix A, Figure 1).

A total of 1.513 acres of wetland are located within the Study Area. Once the exempt, non-federal wetlands are removed, a total of 1.285 acres of wetlands are located within the Study Area.

All wetlands not exempted by state or federal regulations will be preserved and protected by a conservation easement.

3.2 Wetland Buffers

A total of 1.482 acres of 30' wetland buffer are present within the Study Area. Once the 30' wetland buffers associated with the exempt, non-federal wetlands are removed, there are a total of 0.801 acres of wetland buffer.

A small portion of the wetland buffers for wetland W-2 and W-3 will be temporarily impacted when the non-federally exempted portions of those wetlands are filled. All temporarily impacted portions of the buffers will be re-established upon completion of all fill activities. Wetland buffers will be protected thereafter through a conservation easement.

3.3 Wetland Building Setbacks.

There are a total of 3.566 acres of 50' wetland building setbacks within the Study Area. Once the 50' wetland building setbacks associated with the exempt, non-federal wetlands are removed, there are a total of 1.400 acres of 50' wetland building setbacks within the Study Area.

4.0 Discussion

All natural resource features shown to be impacted or revised are either exempted non-federal wetlands or buffers and set-backs associated with exempted non-federal wetlands.

Based upon the approval of the non-federal wetland exemption the area of regulated wetlands has been reduced by approximately 9,899 square feet.

Included in Appendix C are Table 15-3.0502: Worksheet for the Calculation of Base Site Area for Both Residential and Nonresidential Development, Table 15-3.0503: Worksheet for the Calculation of Resource Protection Land, Table 15-3.0504: Worksheet for the Calculation of Site Intensity and Capacity for Residential Development, and a NRPP Checklist. Site photographs are located in Appendix D.

Oakes Estates proposes no mitigation because the impacted natural resource features are exempted by both state and federal regulations. For further details on why no mitigation is being proposed see NR 281.36 (12m) Wis. Stats.

Once the exempt non-federal wetlands, 30' wetland buffers and 50' wetland building setbacks are removed, the following tables show the Calculation of Natural Resource Protection Land (Table 15-3.0503) and Calculations of Site Intensity and Capacity for Residential Development (Table 15-3.0504).

5.0 Conclusion

This NRPP was prepared for the purposes of a single-family residential subdivision development project. Based on the information provided to TRC, the protection requirement of all present regulated natural resources are being met. Changes in the City of Franklin's UDO or the interpretation of the UDO or changes to the project's design may result in changes to the findings of this NRPP.

Appendix A:
Figure 1 – Natural Resources Protection Plan Sheet

EXHIBIT "A"

Property Legal Description:

Part of the Southwest 1/4 of the Northwest 1/4 of Section 9, Town 5 North, Range 21 East of the Fourth Principal Meridian, in the City of Franklin, County of Milwaukee County and State of Wisconsin, bounded and described as follows:

Beginning at the Southwest corner of the Northwest 1/4 of said Section 9; run thence $N00^{\circ}03'00''W$, 659.57 feet along the West line of the Northwest 1/4 of said Section 9; thence $N88^{\circ}34'18''E$, 1325.64 feet to the West line of Stone Hedge Subdivision Addition No. 1, recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin, on June 14, 2005 as Document No. 09028234; thence $S00^{\circ}08'32''E$, 659.95 feet along the West line of Stone Hedge Subdivision Addition No. 1 to the South line of the Northwest 1/4 of said Section 9; thence $S88^{\circ}35'21''W$, 1326.69 feet along the South line of the Northwest 1/4 of said Section 9 to the point of beginning of this description. Containing 874,719 square feet or 20.081 acres.

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/06/19</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">REQUEST TO AMEND RESOLUTION NO. 2019-7473 A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A TWO-FAMILY RESIDENTIAL SIDE BY SIDE RANCH TOWNHOME USE UPON PROPERTY LOCATED AT 10504 WEST CORTEZ CIRCLE (GREGORY D. NISENBAUM, PRESIDENT OF NISENBAUM HOMES & REALTY, INC., APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.16.</i></p>

At its March 19, 2019 meeting, the Common Council approved Resolution No. 2019-7473 imposing conditions and restrictions for the approval of a special use for a two-family residential side by side ranch townhome use upon property located at 10504 West Cortez Circle (Gregory D. Nisenbaum, President of Nisenbaum Homes & Realty, Inc., Applicant. Condition number 4 of Resolution No. 2019-7473 required that a Conservation Easement be submitted for Common Council approval and recording with the Milwaukee County Register of Deeds Office, and condition number 5 of the Resolution pertained to the protection of the property protected by the Conservation Easement.

Subsequent to recording of the subject Conservation Easement, the applicant indicated to staff that further natural resources investigations, later confirmed by the City Forester, indicated that a number of trees were dead or dying, and that the woodlands remaining were not enough to qualify as a protected woodland. As the Conservation Easement was comprised solely of this woodland, the applicant has requested that the Conservation Easement be removed from the subject property.

Furthermore, the applicant is also requesting that Resolution No. 2019-7473 be amended to change the expiration of the Special Use approval from "issuance of an occupancy permit" to "issuance of a building permit".

Accordingly, staff has prepared the subject motion to amend Resolution No. 2019-7473 to rescind and delete conditions number 4 and number 5, and to delete the woodland areas as depicted upon the Plat of Survey and Site Plan which are included within Exhibit A of Resolution No. 2019-7477.

COUNCIL ACTION REQUESTED

A motion to amend Resolution No. 2019-7473, a resolution imposing conditions and restrictions for the approval of a special use for a two-family residential side by side ranch townhome use upon property located at 10504 West Cortez Circle (Gregory D. Nisenbaum, President of Nisenbaum Homes & Realty, Inc., Applicant) to rescind and delete conditions number 4 and number 5, to delete "occupancy permit" and in place thereof insert "building permit" in regard to the expiration of the Special Use approval, and to delete the woodland areas as depicted upon the Plat of Survey and the Site Plan which are included within Exhibit A of Resolution No. 2019-7473.

RESOLUTION NO. 2019-_____

A RESOLUTION AMENDING RESOLUTION NO. 2019-7473, A RESOLUTION
IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A SPECIAL USE FOR A TWO-FAMILY
RESIDENTIAL SIDE BY SIDE RANCH TOWNHOME USE UPON
PROPERTY LOCATED AT 10504 WEST CORTEZ CIRCLE
(GREGORY D. NISENBAUM, PRESIDENT OF NISENBAUM
HOMES & REALTY, INC., APPLICANT)

WHEREAS, Resolution No. 2019-7473, A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Two-Family Residential Side by Side Ranch Townhome Use Upon Property Located At 10504 West Cortez Circle, was adopted by the Common Council on March 19, 2019; and

WHEREAS, Condition No. 4. of said Resolution provides: “Applicant shall submit a Conservation Easement for the mature woodlands area as set forth on the Natural Resources Protection Plan for the property, for review and approval by the Common Council...”; Condition No. 5. of said Resolution pertains to the protection of the property protected by the Conservation Easement; and subsequent thereto, Applicant obtained a tree survey from a certified and licensed arborist, which resulted in findings that the subject woodlands was comprised essentially of trees which were dead, diseased or in poor condition, which survey was confirmed by the City Forester upon a site inspection, thus removing the supporting need for a Conservation Easement; and

WHEREAS, Applicant has also requested an amendment to the condition in the Further Resolved of the Resolution that the Special Use be established by way of the issuance of an occupancy permit, be amended to the issuance of a building permit; and

WHEREAS, the property is zoned R-8 Multiple-Family Residence District, located at 10504 West Cortez Circle (northeast corner of the intersection of South Lovers Lane Road and West Cortez Circle), bearing Tax Key No. 747-9979-000, more particularly described as follows:

That part of the Southwest 1/4 of Section 5, in Township 5 North, Range 21 East, bounded and described as follows: Commencing at a point in the North 1/4 Section line, 663 feet East of the Northwest corner of said 1/4 Section; running thence South and parallel with the West line of said 1/4 Section, 80 feet to a point; thence East and parallel with the North line of said 1/4 Section, 272.25 feet to a point; thence North and parallel with the West line of said 1/4 Section, 80 feet to a point on the North line of said 1/4 Section; thence West along said North line 272.25 feet to the point of commencement, and reserving

GREGORY D. NISENBAUM, PRESIDENT OF NISENBAUM
HOMES & REALTY, INC. – SPECIAL USE AMENDMENT
RESOLUTION NO. 2019-_____

Page 2

the West 24.75 feet for highway purposes, further excepting those lands conveyed to the State of Wisconsin in an instrument recorded May 23, 1969, in Reel/Volume 480, Image/Page 784, as Document No. 4464721; and

WHEREAS, the Department of City Development having recommended approval of the aforesaid amendments.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the upon the application of Gregory D. Nisenbaum, President of Nisenbaum Homes & Realty, Inc., for the amendment of Resolution No. 2019-7473, that same be and is hereby amended as follows:

1. Condition No. 4. is hereby rescinded and deleted.
2. Condition No. 5. is hereby rescinded and deleted.
3. The Further Resolved provision providing for the establishment of the Special Use within one year from the date of adoption of Resolution No. 2019-7473 is hereby amended as follows: delete: “occupancy permit”, and in place thereof, insert: “building permit”; the provision thereof with regard to the expiration of the Special Use permission is hereby extended to the expiration of one year from the date of adoption of this Resolution Amending Resolution No. 2019-7473.
4. The woodlands and buildings areas depicted upon the Plat of Survey and Site Plan on the first two pages of Exhibit A of Resolution No. 2019-7473 are no longer applicable to the site and are hereby deleted.

BE IT FURTHER RESOLVED, that all of the other terms and provisions of Resolution No. 2019-7473 not amended as aforesaid, shall remain in full force and effect.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

GREGORY D. NISENBAUM, PRESIDENT OF NISENBAUM
HOMES & REALTY, INC. – SPECIAL USE AMENDMENT
RESOLUTION NO. 2019-_____

Page 3

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Greg Nisenbaum
Nisenbaum Homes & Realty, Inc.
gregoryn@nisenbaumhomes.com
www.nisenbaumhomes.com
(Office) 414-425-5950
(Fax) 414-425-5950
(Cell) 414-719-4244

07 / 24 / 2019

Department Of City Development
City Of Franklin
9229 W. Loomis Rd.
Franklin, Wisconsin 53132
(414) 425-4024
generalplanning@franklinwi.gov

Re : Miscellaneous Application : Conservation Easement at 10504 W. Cortez Circle Franklin,
Wisconsin 53132

To Whom it may concern :

As part of a Special Use Application with the City Of Franklin, Department Of City Development a Natural Resource Protection Plan (NRPP) was completed By GRAEF on January 4, 2019 (see attached) for the above named address (vacant lot). Dead, dying, or diseased trees were not surveyed or included on the GRAEF NRPP map for the Conservation Easement.

On February 12, 2019 a Plat Of Survey (see attached) was revised at the request of the City Of Franklin Department Of City Development to show a CONSERVATION EASEMENT on the survey for a PROTECTED MATURE WOODLAND GROVE within the Conservation Easement.

On May 30, 2019, Hoppe Tree Service completed a tree survey to evaluate the trees and other plants within the Conservation Easement for the Protected Mature Woodland Grove.

The reason for the survey was to evaluate the health of the trees and other plants within the

CONSERVATION EASEMENT. A report was completed (see attached). It was determined by the Hoppe Tree Service arborist that the trees and other plants within the CONSERVATION EASEMENT are undesirable in that they were either dead, dying, diseased, or noxious.

The City Of Franklin Forester did visit the property and agreed with the findings of Hoppe Tree Service report and that the Conservation Easement should be removed. (see attached e-mail's dated June 25,2019, and e-mail from the City Of Franklin Department Of City Development dated July 20, 2019.)

Based on the findings, I am requesting that the City Of Franklin Common Council rescind or void Resolution number 2019 -7477 (the Conservation Easement). I am also requesting that the City Of Franklin Common Council revise Special Use Resolution number 2019 - 7473. The Conservation Easement and Resolution should be recorded with the Milwaukee County Register Of Deeds with the real estate records for this property.

Sincerely,

Greg Nisenbaum


Nisenbaum Homes & Realty, Inc.

Approve Estimate

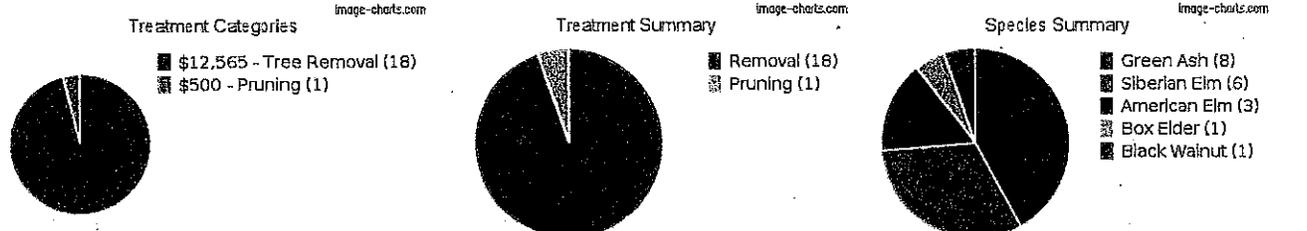
Created: 2019-05-30 07:33:55

ESTIMATE FOR 10504 WEST CORTEZ CIRCLE, FRANKLIN, WI

Untitled Estimate
 Estimate ID: 105884
 Contact: Greg Nisenbaum (gregoryn@nisenbaumhomes.com;-;wmares.hoppetree@gmail.com)
 Address: 8103 S Country Club Cir, Franklin, WI 53132
 Status: sent

SALES REP
 Fred Hoppe
 fred@hoppetreeservice.com
 414-507-8714

Total Bid: \$13,065.00



Tree	ID	Name	Treatment
 http://app.arborplus.com/tree_images/52441/1000676715.1_lrg.jpg	1	24-30" Siberian Elm (Ulmus pumila) [1000676715] very poor condition	Removal
 http://app.arborplus.com/tree_images/52441/1000676698.1_lrg.jpg	2	24-30" Green Ash (Fraxinus pennsylvanica) [1000676698] dead	Removal
 http://app.arborplus.com/tree_images/52441/1000676697.1_lrg.jpg	3	12-18" Green Ash (Fraxinus pennsylvanica) [1000676697] dead	Removal
 http://app.arborplus.com/tree_images/52441/1000676696.1_lrg.jpg	4	24-30" Siberian Elm (Ulmus pumila) [1000676696] very poor condition	Removal
 http://app.arborplus.com/tree_images/52441/1000676695.1_lrg.jpg	5	18-24" Siberian Elm (Ulmus pumila) [1000676695] very poor condition	Removal
 http://app.arborplus.com/tree_images/52441/1000676694.1_lrg.jpg	6	12-18" Box Elder (Acer negundo) [1000676694] very poor condition	Removal
 http://app.arborplus.com/tree_images/52441/1000676693.1_lrg.jpg	7	6-12" American Elm (Ulmus americana) [1000676693] very poor condition We energias disconnect to the light pole on lovers lane for this tree and the siberian elm on lovers lane	Removal
 http://app.arborplus.com/tree_images/52441/1000676692.1_lrg.jpg	8	6-12" Green Ash (Fraxinus pennsylvanica) [1000676692] very poor condition	Removal

< >

 <p>(http://app.arborplus.com/tree_images/52441/1000676691.1_lrg.jpg)</p>	<p>6-12" American Elm (<i>Ulmus americana</i>) [1000676691] very poor condition We energies</p>	<p>9 Disconnect to the light pole on lovers lane for this tree and the siberian elm on lovers lane Removal</p>
 <p>(http://app.arborplus.com/tree_images/52441/1000676690.1_lrg.jpg)</p>	<p>30-36" Black Walnut (<i>Juglans nigra</i>) [1000676690] very poor condition</p>	<p>10 Pruning</p>
 <p>(http://app.arborplus.com/tree_images/52441/1000676689.1_lrg.jpg)</p>	<p>6-12" Green Ash (<i>Fraxinus pennsylvanica</i>) [1000676689] dead</p>	<p>11 Removal</p>
 <p>(http://app.arborplus.com/tree_images/52441/1000676688.1_lrg.jpg)</p>	<p>12-18" Green Ash (<i>Fraxinus pennsylvanica</i>) [1000676688] dead</p>	<p>12 Removal</p>
 <p>(http://app.arborplus.com/tree_images/52441/1000676687.1_lrg.jpg)</p>	<p>12-18" American Elm (<i>Ulmus americana</i>) [1000676687] very poor condition We energies</p>	<p>13 Disconnect to the light pole on lovers lane for this tree and the siberian elm on lovers lane Removal</p>
 <p>(http://app.arborplus.com/tree_images/52441/1000676686.1_lrg.jpg)</p>	<p>30-36" Siberian Elm (<i>Ulmus pumila</i>) [1000676686] very poor condition</p>	<p>14 Removal</p>
 <p>(http://app.arborplus.com/tree_images/52441/1000676685.1_lrg.jpg)</p>	<p>18-24" Green Ash (<i>Fraxinus pennsylvanica</i>) [1000676685] dead</p>	<p>15 Removal</p>
 <p>(http://app.arborplus.com/tree_images/52441/1000676684.1_lrg.jpg)</p>	<p>30-36" Siberian Elm (<i>Ulmus pumila</i>) [1000676684] very poor condition</p>	<p>16 Removal</p>

	<p>12-18" Siberian Elm (Ulmus pumila) Removal [1000676683] very poor condition</p>
	<p>24-30" Green Ash (Fraxinus pennsylvanica) Removal [1000676682] dead tree</p>
	<p>24-30" Green Ash (Fraxinus pennsylvanica) Removal [1000676681] dead tree</p>
<p>Subtotal: \$13,065</p>	

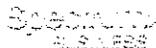
< _____ >
Total: \$13,065.00

Definition of Treatments:

- **Removal** - Complete removal of tree to ground level using safety practices as outlined in ANSI Z133.1 safety standard.
- **Pruning** - Specifications to be determined by arborist.



Notes



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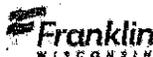
From: Gail Olsen <GOlsen@franklinwi.gov>
To: 'gregoryn@nisenbaumhomes.com' <gregoryn@nisenbaumhomes.com>
Cc: Gail Olsen <GOlsen@franklinwi.gov>
Subject: FW: City Forester information for Greg Nisenbaum
Priority: Normal **Date:** Tuesday, July 23, 2019 5:24 PM **Size:** 32 KB

Attachments: [] (11.5 KB)

Greg --
 Here is the email from Joel as we discussed.

Thank you,

Gail Olsen
 Planning Secretary - Department of City Development
 City of Franklin
 9229 W. Loomis Road
 Franklin, Wisconsin 53132
 Phone: 414-425-4024
 Fax: 414-427-7891



From: Joel Dietl
Sent: Tuesday, July 23, 2019 4:07 PM
To: Gail Olsen
Subject: City Forester information for Greg Nisenbaum

Joel Dietl, AICP
 Planning Manager
 Department of City Development
 City of Franklin
 9229 W. Loomis Road
 Franklin, Wisconsin 53132
 Phone: 414-425-4024
 Email: jdietl@franklinwi.gov



— Forwarded Message —

Date: [Tue, 25 Jun 2019 16:09:03 +0000]
From: Tom Riha <TRiha@franklinwi.gov>
To: Joel Dietl <JDietl@franklinwi.gov>
Subject: 10540 Cortez Cir.

Hi Joel,

I had the chance to take a look at 10540 Cortez Circle today. I agree with the findings of Hoppe Tree Service. All ash trees are dead. 2 of the Siberian Elm are within city right of way along Cortez and it would make sense to remove them. Also along the county right of way a Siberian and an American Elm lean over the roadway. The Wisconsin DNR has Siberian Elm listed as a restricted invasive species. When the green ash and Siberian elm are removed only 5 trees remain. 1 Silver Maple in fair condition which Hoppe recommended to trim. 1 Black Walnut which was recommended to trim. 2 American Elm which will most likely die in the near future due to the presence of Dutch Elm Disease. 1 Box Elder which is still on ordinance as prohibited.

I recommend that a grove no longer exists on the property and that the conservation easement should be removed. Please call if you anything else.

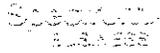
I also received an email about the development on Ryan Rd. Let me know if you would like me to do a site visit with you sometime.

Thank You,

Tom Riha
 City Forester
 ISA- Certified Arborist/Municipal Specialist



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From: Joel Dielt <JDielt@franklinwi.gov>
To: 'gregoryn@nisenbaumhomes.com' <gregoryn@nisenbaumhomes.com>
Cc: Jesse Wesolowski <jweslaw@aol.com>
Subject: 10504 Cortez Circle Special Use and Conservation Easement
Priority: Normal Date: Saturday, July 20, 2019 4:03 PM Size: 1 MB

Attachments: Miscellaneous 2015 Application_Formfiller.pdf (201.1 KB) RES2019-7473 (Special Use-Nisenbaum.pdf (782.8 KB) RES2019-7477 (Conservation Easement-Nisenbaum Homes).pdf (267.5 KB)

Greg,

The City's Forester did visit the property at 10504 Cortez Circle and agreed with the findings of Hoppe Tree Service. As some of the trees were dead, there no longer are enough to qualify as a woodland grove, and the Conservation Easement should be removed. He also agreed with the removal of the Siberian Elms and Green Ash, and the trimming of the Silver Maple and Black Walnut.

As suggested by Jesse Wesolowski at our meeting of June 24th, you may complete the attached Miscellaneous application, and request that the Common Council revise Special Use Resolution No. 2019-7473 to remove condition #4, and to rescind or void Resolution No. 2019-7477 (the conservation easement).

Upon receipt of the completed application form, fee, and seven copies of all associated materials, at least 8 days before a scheduled Common Council meeting, this item would be placed on that agenda. Contrary to the application form, we will not need to conduct a staff review, and will be able to forward this directly to the Common Council.

You may wish to contact your attorney, to determine what documents or paperwork you should file with the Milwaukee County Register of Deeds Office to insure that if approved by the Common Council, that a record of that decision is included with the real estate records for this property.

Joel Dielt, AICP
Planning Manager
Department of City Development
City of Franklin
9229 W. Loomis Road
Franklin, Wisconsin 53132
Phone: 414-425-4024
Email: jdielt@franklinwi.gov



Open Attachment: Miscellaneous 2015 Application_Formfiller.pdf
Open Attachment: RES2019-7473 (Special Use-Nisenbaum.pdf
Open Attachment: RES2019-7477 (Conservation Easement-Nisenbaum Homes).pdf

Previous Message | Next Message

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RESOLUTION NO. 2019-7473

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A SPECIAL USE FOR A TWO-FAMILY
RESIDENTIAL SIDE BY SIDE RANCH TOWNHOME USE UPON
PROPERTY LOCATED AT 10504 WEST CORTEZ CIRCLE
(GREGORY D. NISENBAUM, PRESIDENT OF NISENBAUM
HOMES & REALTY, INC., APPLICANT)

WHEREAS, Gregory D. Nisenbaum, President of Nisenbaum Homes & Realty, Inc. having petitioned the City of Franklin for the approval of a Special Use in an R-8 Multiple-Family Residence District, to allow for a two-family residential side by side ranch townhome use with 1,371 square feet of living space and basement in each ranch unit and a proposed shared driveway entrance off of West Cortez Circle, upon property zoned R-8 Multiple-Family Residence District, located at 10504 West Cortez Circle (northeast corner of the intersection of South Lovers Lane Road and West Cortez Circle), bearing Tax Key No. 747-9979-000, more particularly described as follows:

That part of the Southwest 1/4 of Section 5, in Township 5 North, Range 21 East, bounded and described as follows: Commencing at a point in the North 1/4 Section line, 663 feet East of the Northwest corner of said 1/4 Section; running thence South and parallel with the West line of said 1/4 Section, 80 feet to a point; thence East and parallel with the North line of said 1/4 Section, 272.25 feet to a point; thence North and parallel with the West line of said 1/4 Section, 80 feet to a point on the North line of said 1/4 Section; thence West along said North line 272.25 feet to the point of commencement, and reserving the West 24.75 feet for highway purposes, further excepting those lands conveyed to the State of Wisconsin in an instrument recorded May 23, 1969, in Reel/Volume 480, Image/Page 784, as Document No. 4464721; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 7th day of March, 2019, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

GREGORY D. NISENBAUM, PRESIDENT OF NISENBAUM
HOMES & REALTY, INC. – SPECIAL USE
RESOLUTION NO. 2019-7473
Page 2

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Gregory D. Nisenbaum, President of Nisenbaum Homes & Realty, Inc., for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by Gregory D. Nisenbaum, President of Nisenbaum Homes & Realty, Inc., successors and assigns, as a two-family residential side by side ranch townhome use, which shall be developed in substantial compliance with, and operated and maintained by Gregory D. Nisenbaum, President of Nisenbaum Homes & Realty, Inc., pursuant to those plans City file-stamped February 13, 2019 and annexed hereto and incorporated herein as Exhibit A.
2. Gregory D. Nisenbaum, President of Nisenbaum Homes & Realty, Inc., successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Gregory D. Nisenbaum, President of Nisenbaum Homes & Realty, Inc. two-family residential side by side ranch townhome, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon Gregory D. Nisenbaum, President of Nisenbaum Homes & Realty, Inc., and the two-family residential side by side ranch townhome use, for the property located at 10504 West Cortez Circle: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. Applicant shall submit a Conservation Easement for the mature woodlands area as set forth on the Natural Resources Protection Plan for the property, for review and approval by the Common Council and recording with the Milwaukee County Register of Deeds, prior to the issuance of a Grading Permit.
5. Two private water laterals (one for each unit) to connect to the public water main may be installed in the area of the property protected by the Conservation Easement, provided that no tree(s) shall be disturbed; in the event nonetheless of any such disturbance, applicant, successors and assigns, shall be responsible to provide for the on-site mitigation thereof pursuant to §15-4.0103. B.1. of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, that in the event Gregory D. Nisenbaum, President of Nisenbaum Homes & Realty, Inc., successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

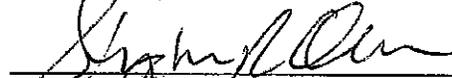
BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this 19th day of March, 2019.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 19th day of March, 2019.

APPROVED:



Stephen R. Olson, Mayor

ATTEST:



Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0

Ex. A

LOCATION: 10504 West Cortez Circle, Franklin, Wisconsin

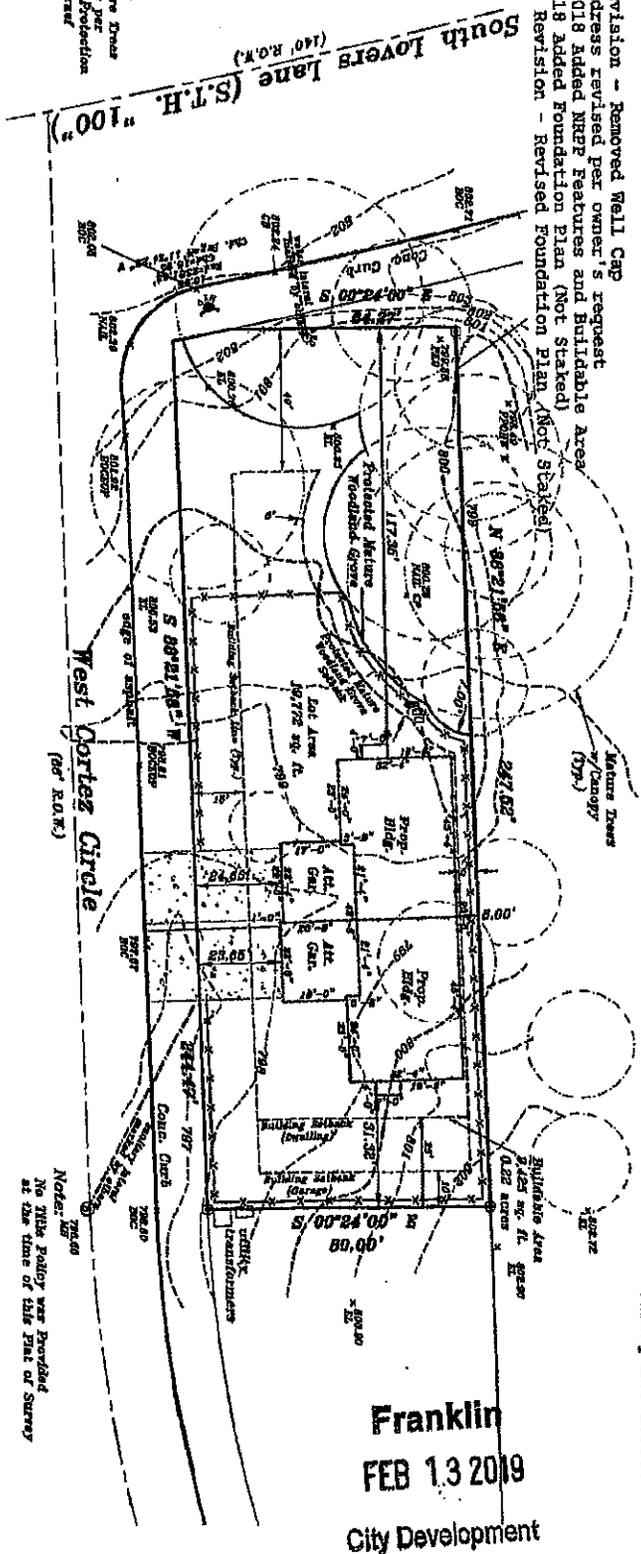
PLAN OF SURVEY

Nisenbaum Homes

LEGAL DESCRIPTION: That part of the Southwest 1/4 of Section 5, in Township 5 North, Range 21 East, bounded and described as follows: Commencing at a point in the North 1/4 Section line, 663 feet East of the Northwest corner of said 1/4 Section; running thence South and parallel with the West line of said 1/4 Section, 80 feet to a point; thence East and parallel with the North line of said 1/4 Section, 272.25 feet to a point; thence North and parallel with the West line of said 1/4 Section, 80 feet to a point on the North line of said 1/4 Section; thence West along said North line 272.25 feet to the point of commencement, and reserving the West 24.75 feet for highway purposes, further excepting those lands conveyed to the State of Wisconsin in an instrument recorded May 23, 1959, in Reel/Volume 480, Image/Page 784, as Document NO. 4464721.

MAY 15, 2018
MAY 17, 2018 Revision - Removed Well Cap
JULY 3, 2018 Address revised per owner's request
SEPTEMBER 26, 2018 Added NRRP Features and Buildable Area
DECEMBER 18, 2018 Added Foundation Plan (Not Staked)
JANUARY 3, 2019 Revision - Revised Foundation Plan (Not Staked)

Survey No. 109506



Franklin
FEB 13 2019
City Development

Notes:
Locations of Mature Trees
and Service Lines per
Natural Resource Protection
Plan (NRRP) of owner

METROPOLITAN SURVEY SERVICE, INC.
NATIONAL LAND SURVEYORS AND CIVIL ENGINEERS
9419 West Grand Avenue, Suite 202
Wauwatosa, Wisconsin 53226
Tel: (414) 251-0333 Fax: (414) 251-0337
www.metropolitansurvey.com
● — Denotes Iron Pipe Found
○ — Denotes Proposed Grade
□ — Denotes Proposed Site Screen

GRAPHIC SCALE
1 inch = 30 ft
(IN FEET)

North Arrow

LAND SURVEYOR
DENNIS C. SAUER
5-2421
Franklin, WI

THE SURVEYOR HAS REVIEWED THE ABOVE DESCRIBED PROPERTY AND THE INSTRUMENTS REFERENCE HEREIN AND HAS FOUND THAT THE SAME COMPLY WITH THE REQUIREMENTS OF THE WISCONSIN SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND LAND DIVISION. THE LOCATION OF ALL WORK IS IDENTIFIED BY THE SURVEYOR'S MARKS AND THE PROPERTY IS IDENTIFIED BY THE SURVEYOR'S MARKS AND THE PROPERTY IS IDENTIFIED BY THE SURVEYOR'S MARKS.

Noted: No Title Policy was provided at the time of this Plan of Survey

Dennis C. Sauer
Professional Land Surveyor 54601

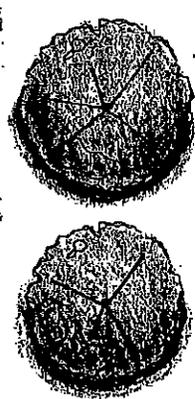
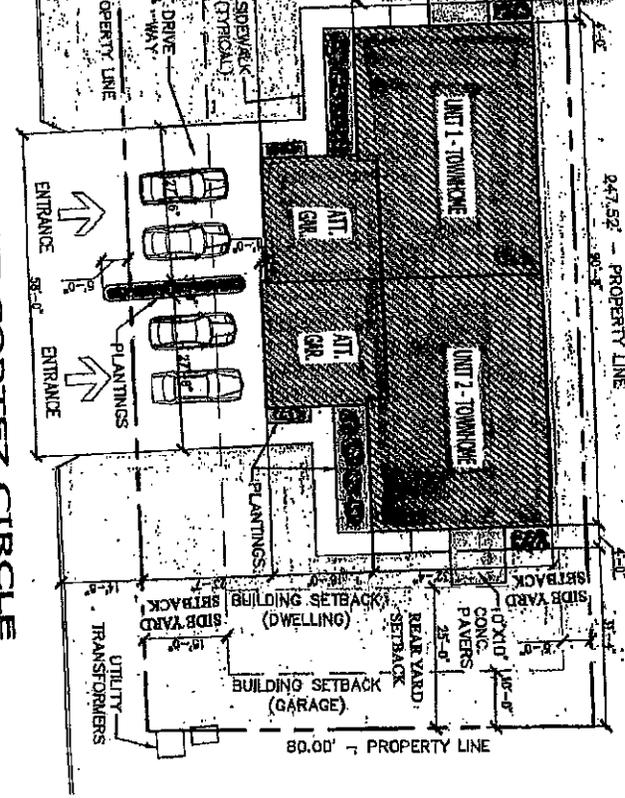
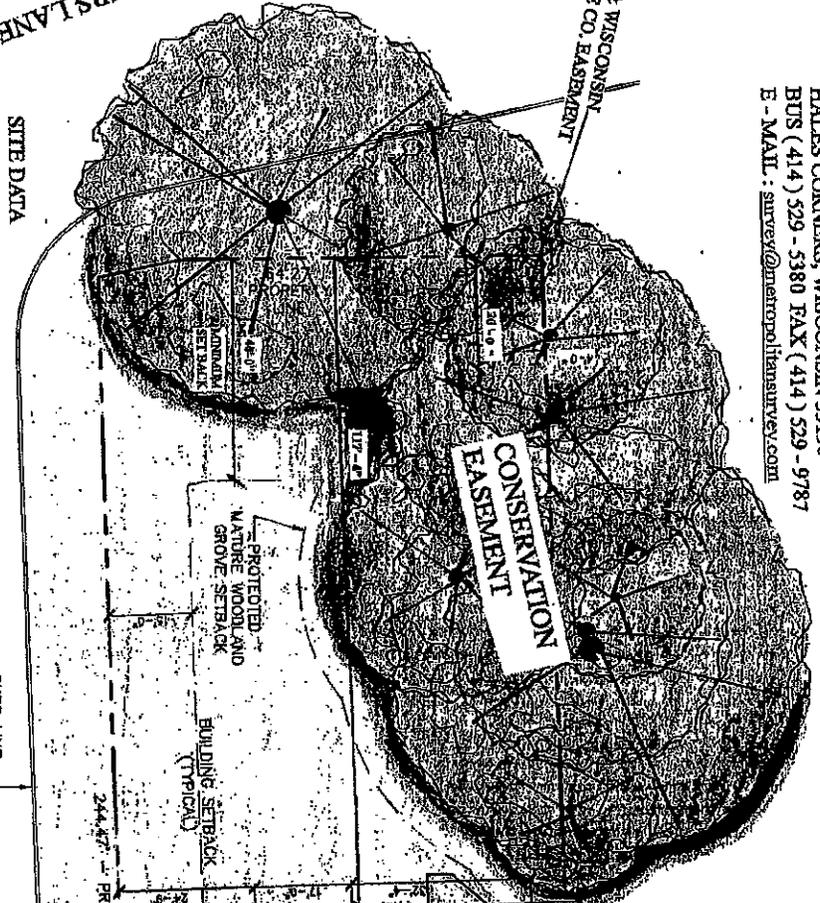
Ex. A

SURVEYOR: NOTE: This site plan was prepared from Plat Of Survey dated 2/12/2019

METROPOLITAN SURVEY SERVICE, INC.
 9415 WEST FOREST HOME AVENUE, SUITE 202
 HALES CORNERS, WISCONSIN 53130
 BUS (414) 529-5380 FAX (414) 529-9787
 E-MAIL: survey@metrosurvey.com

"140 FEET R.O.W."
 SOUTH LOVERS LANE

WISCONSIN
 TELEPHONE CO. EASEMENT



SITE DATA

TOTAL LOT AREA = 19,772 SQ. FT.

0.45 ACRES

PRINCIPAL BUILDING HEIGHT ONE STORY = 26' 8"

ZONING DISTRICT : R-8

YARD SETBACK REQUIREMENTS

FRONT YARD = 40' - 0" MINIMUM

(FRONT OF LOT FACING ARTERIAL ROAD - SOUTH LOVERS LANE)

REAR YARD = 25' - 0"

SIDE YARD = 7'5" - 0"

MINIMUM YARD = 12' 0"

10504 WEST CORTEZ CIRCLE
 FRANKLIN, WISCONSIN

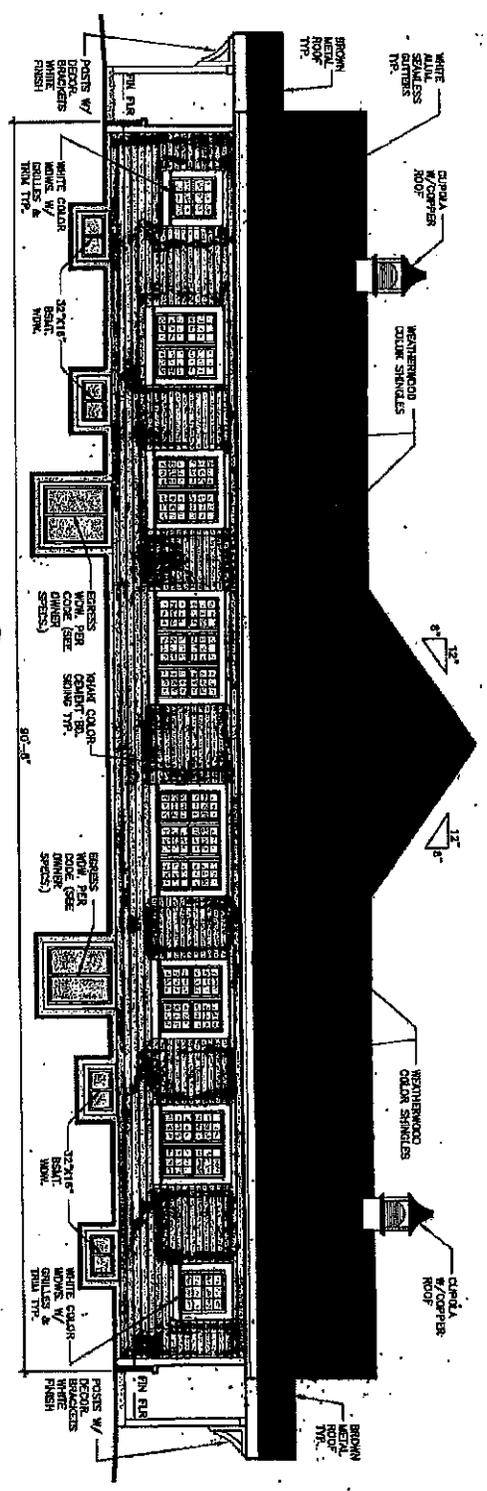
"66 FEET R.O.W."

Franklin
 FEB 13 2019
 City Development

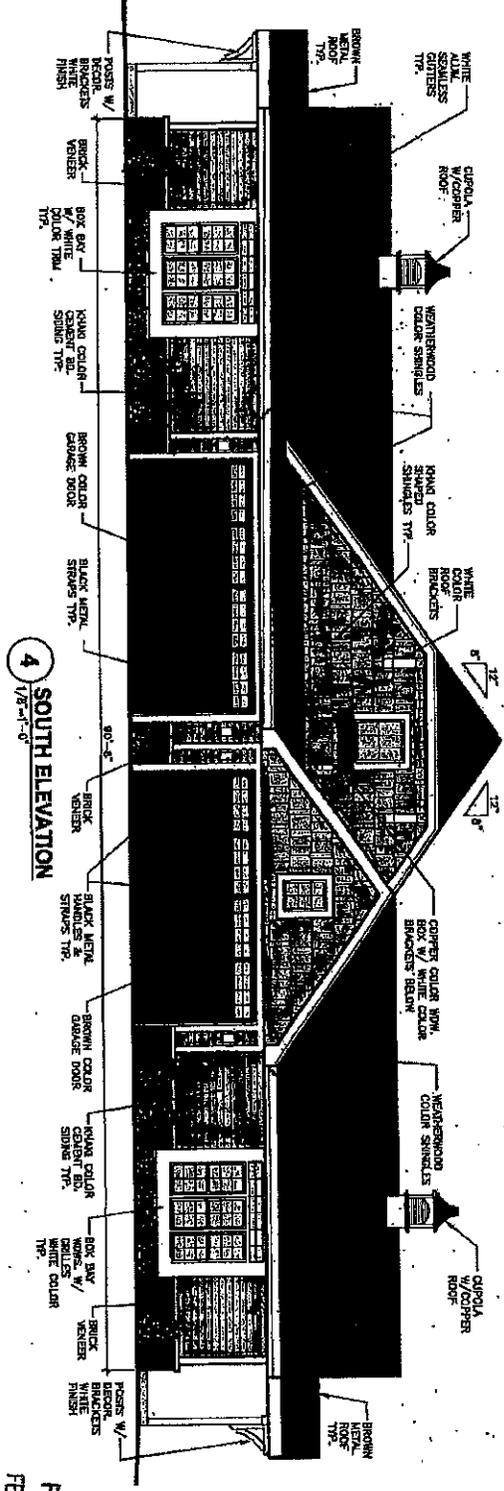
1 SITE PLAN
 1" = 20'-0"



Ex. A



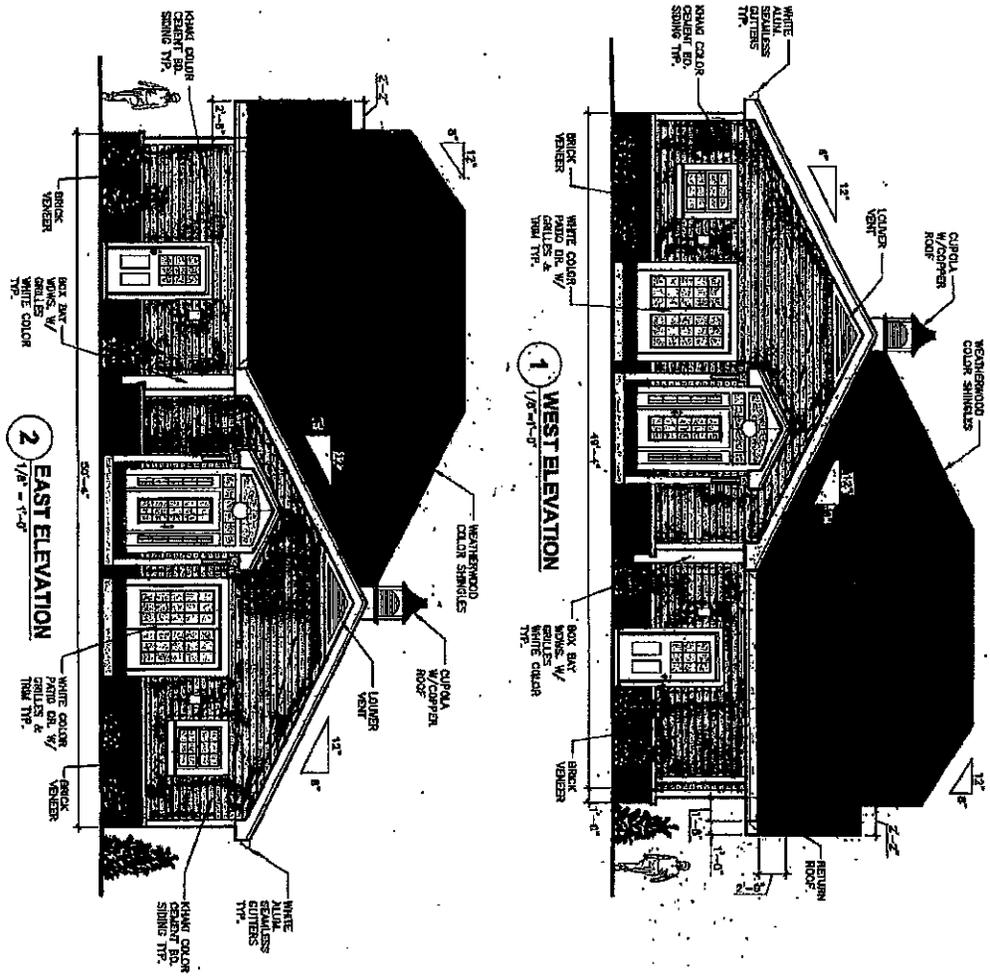
3 NORTH ELEVATION
1/8"=1'-0"



4 SOUTH ELEVATION
1/8"=1'-0"

Franklin
FEB 13 2019
City Development

Ex. A



Franklin
FEB 13 2019
City Development

Blank Page

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/06/19</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">REQUEST TO RESCIND RESOLUTION NO. 2019-7477 A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SPECIAL USE AND NATURAL RESOURCE PROTECTION PLAN FOR A TWO-FAMILY RESIDENTIAL SIDE BY SIDE RANCH TOWNHOME USE UPON PROPERTY LOCATED AT 10504 WEST CORTEZ CIRCLE AND TO VACATE, WAIVE AND RELEASE THE CONSERVATION EASEMENT (GREGORY D. NISENBAUM, PRESIDENT OF NISENBAUM HOMES & REALTY, INC., APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>6.17,</i></p>

At its April 1, 2019 meeting the Common Council approved Resolution No. 2019-7477 authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Special Use and Natural Resource Protection Plan for a two-family residential side by side ranch townhome use with 1,371 square feet of living space and basement in each ranch unit and a proposed shared driveway entrance off of West Cortez Circle, upon property zoned R-8 Multiple-Family Residence District, located at 10504 West Cortez Circle, subject to technical corrections by the City Attorney.

Subsequent to recording of the subject Conservation Easement, the applicant indicated to staff that further natural resources investigations, later confirmed by the City Forester, indicated that a number of trees were dead or dying, and that the woodlands remaining were not enough to qualify as a protected woodland. As the Conservation Easement was comprised solely of this woodland, the applicant has requested that the Conservation Easement be removed from the subject property.

Accordingly, staff has prepared the subject motion to rescind Resolution No. 2019-7477 and to vacate, waive and release the Conservation Easement as set forth in Resolution No. 2019-7477.

COUNCIL ACTION REQUESTED

A motion to rescind Resolution No. 2019-7477, a resolution authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Special Use and Natural Resource Protection Plan for a two-family residential side by side ranch townhome use upon property located at 10504 West Cortez Circle, and to vacate, waive and release the Conservation Easement (Gregory D. Nisenbaum, President of Nisenbaum Homes & Realty, Inc., Applicant).

RESOLUTION NO. 2019-_____

A RESOLUTION TO RESCIND RESOLUTION NO. 2019-7477,
A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO
ACCEPT A CONSERVATION EASEMENT FOR AND AS PART
OF THE REVIEW AND APPROVAL OF A SPECIAL USE AND NATURAL RESOURCE
PROTECTION PLAN FOR A TWO-FAMILY RESIDENTIAL SIDE BY SIDE RANCH
TOWNHOME USE UPON PROPERTY LOCATED AT 10504 WEST CORTEZ CIRCLE,
AND TO VACATE, WAIVE AND RELEASE THE CONSERVATION EASEMENT
(GREGORY D. NISENBAUM, PRESIDENT OF
NISENBAUM HOMES & REALTY, INC., APPLICANT)

WHEREAS, the Common Council having adopted the above-entitled Resolution No. 2019-7477 on April 1, 2019, the Conservation Easement accepted thereunder being in furtherance of a condition of Resolution No. 2019-7473, A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Two-Family Residential Side by Side Ranch Townhome Use Upon Property Located at 10504 West Cortez Circle, adopted on March 19, 2019; and

WHEREAS, Condition No. 4. of said Resolution No. 2019-7473 provides: “Applicant shall submit a Conservation Easement for the mature woodlands area as set forth on the Natural Resources Protection Plan for the property, for review and approval by the Common Council...”; and subsequent thereto, Applicant obtained a tree survey from a certified and licensed arborist, which resulted in findings that the subject woodlands was comprised essentially of trees which were dead, diseased or in poor condition, which survey was confirmed by the City Forester upon a site inspection, thus removing the supporting need for a Conservation Easement; and

WHEREAS, the Conservation Easement was recorded in the Office of the Register of Deeds for Milwaukee County on April 25, 2019, as Document No. 10864861, Reel _____, Image _____; and the legal description of the property bearing Tax Key No. 747-9979-000 subject to the Conservation Easement is set forth on Exhibit A annexed hereto and incorporated herein; and

WHEREAS, Wis. Stat. § 236.293 provides in part that any restriction placed on platted land by covenant, grant of easement or in any other manner, which was required by a public body vests in the public body the right to enforce the restriction at law or in equity and that the restriction may be released or waived in writing by the public body having the right of enforcement; and

WHEREAS, the Department of City Development having recommended approval of the vacation, release and waiver of the conservation easement.

A RESOLUTION TO RESCIND RESOLUTION NO. 2019-7477
AND TO VACATE, WAIVE AND RELEASE THE CONSERVATION EASEMENT
NISENBAUM HOMES REALTY, INC.
RESOLUTION NO. 2019-_____

Page 2

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that Resolution No. 2019-7477 be and the same is hereby rescinded, and that the Conservation Easement recorded in the Office of the Register of Deeds for Milwaukee County on April 25, 2019, as Document No. 10864861, Reel _____, Image _____, be and the same is hereby vacated, waived and released.

BE IT FURTHER RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

INTRODUCED at a regular meeting of the Common Council of the City of Franklin this ____ day of August, 2019 by Alderman _____.

PASSED AND ADOPTED at a regular meeting of the Common Council of the City of Franklin this ____ day of August, 2019.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

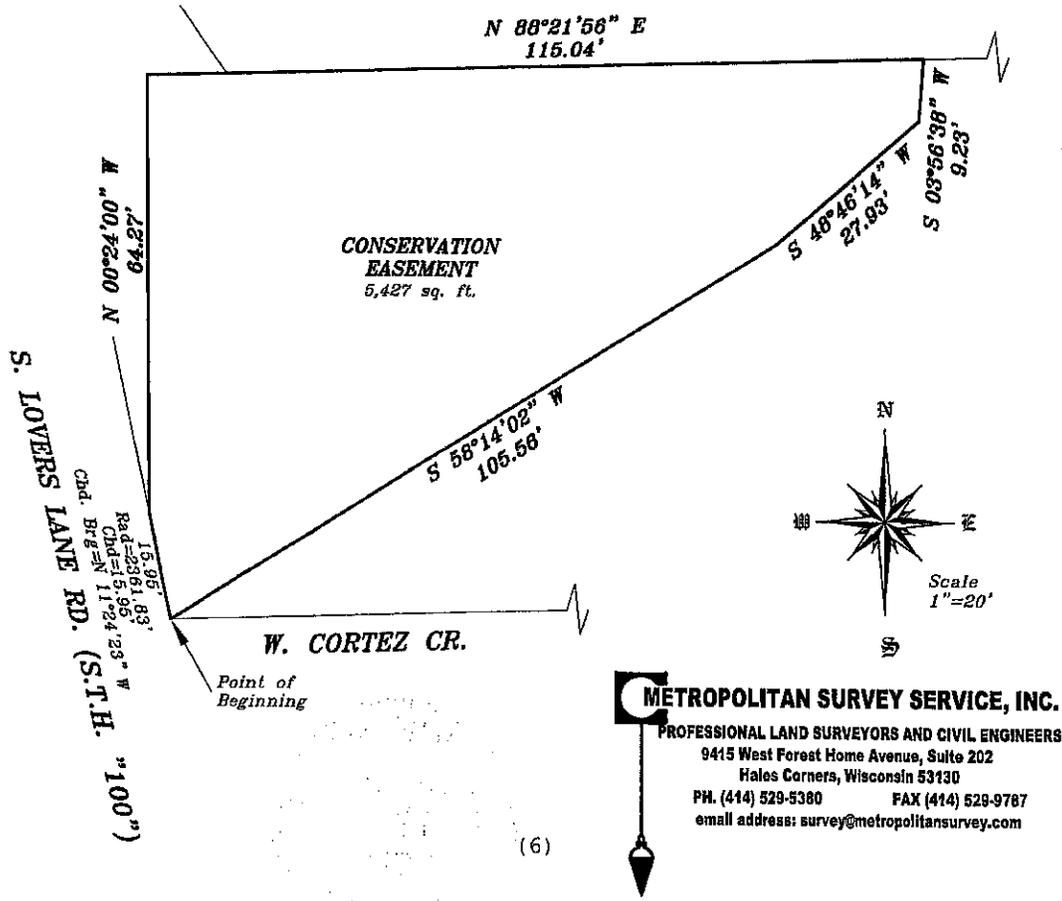
Exhibit A

CONSERVATION EASEMENT

LEGAL DESCRIPTION:

That part of the Southwest 1/4 of Section 5, in Township 5 North, Range 21 East, bounded and described as follows:

Commencing at a point of intersection of the East right-of-way line of South Lovers Lane Road with the North right-of-way line of West Cortez Circle, and the point of beginning of the lands to be described; thence Northwesterly 15.95 feet along the arc of a curve, whose center lies to the Southwest, whose radius is 2361.83 feet and whose chord bears N 11°24'23" W, 15.95 feet; thence N 00°24'00" W, 64.27 feet; thence N 88°21'56" E, 115.04 feet; thence S 03°56'38" W, 9.23 feet; thence S 48°46'14" W, 27.93 feet; thence S 58°14'02" W, 105.56 feet to the point of beginning. Said land containing 5,427 square feet.



Greg Nisenbaum
Nisenbaum Homes & Realty, Inc.
gregoryn@nisenbaumhomes.com
www.nisenbaumhomes.com
(Office) 414-425-5950
(Fax) 414-425-5950
(Cell) 414-719-4244

07 / 24 / 2019

Department Of City Development
City Of Franklin
9229 W. Loomis Rd.
Franklin, Wisconsin 53132
(414) 425-4024
generalplanning@franklinwi.gov

Re : Miscellaneous Application : Conservation Easement at 10504 W. Cortez Circle Franklin,
Wisconsin 53132

To Whom it may concern :

As part of a Special Use Application with the City Of Franklin, Department Of City Development a Natural Resource Protection Plan (NRPP) was completed By GRAEF on January 4, 2019 (see attached) for the above named address (vacant lot). Dead, dying, or diseased trees were not surveyed or included on the GRAEF NRPP map for the Conservation Easement.

On February 12, 2019 a Plat Of Survey (see attached) was revised at the request of the City Of Franklin Department Of City Development to show a CONSERVATION EASEMENT on the survey for a PROTECTED MATURE WOODLAND GROVE within the Conservation Easement.

On May 30, 2019, Hoppe Tree Service completed a tree survey to evaluate the trees and other plants within the Conservation Easement for the Protected Mature Woodland Grove.

The reason for the survey was to evaluate the health of the trees and other plants within the

CONSERVATION EASEMENT. A report was completed (see attached). It was determined by the Hoppe Tree Service arborist that the trees and other plants within the CONSERVATION EASEMENT are undesirable in that they were either dead, dying, diseased, or noxious.

The City Of Franklin Forester did visit the property and agreed with the findings of Hoppe Tree Service report and that the Conservation Easement should be removed. (see attached e-mail's dated June 25,2019, and e-mail from the City Of Franklin Department Of City Development dated July 20, 2019.)

Based on the findings, I am requesting that the City Of Franklin Common Council rescind or void Resolution number 2019 --7477 (the Conservation Easement). I am also requesting that the City Of Franklin Common Council revise Special Use Resolution number 2019 – 7473. The Conservation Easement and Resolution should be recorded with the Milwaukee County Register Of Deeds with the real estate records for this property.

Sincerely,

Greg Nisenbaum


Nisenbaum Homes & Realty, Inc.

Approve Estimate



Created: 2019-05-30 07:33:55

ESTIMATE FOR 10504 WEST CORTEZ CIRCLE, FRANKLIN, WI

Untitled Estimate

Estimate ID: 105884

Contact: Greg Nisenbaum (gregoryn@nisenbaumhomes.com;-;wmartens.hoppetree@gmail.com)

Address: 8103 S Country Club Cir, Franklin, WI 53132

Status: sent

SALES REP

Fred Hoppe

fred@hoppetreeservice.com

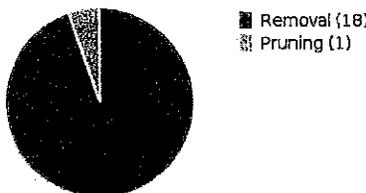
414-507-8714

Total Bid: \$13,065.00

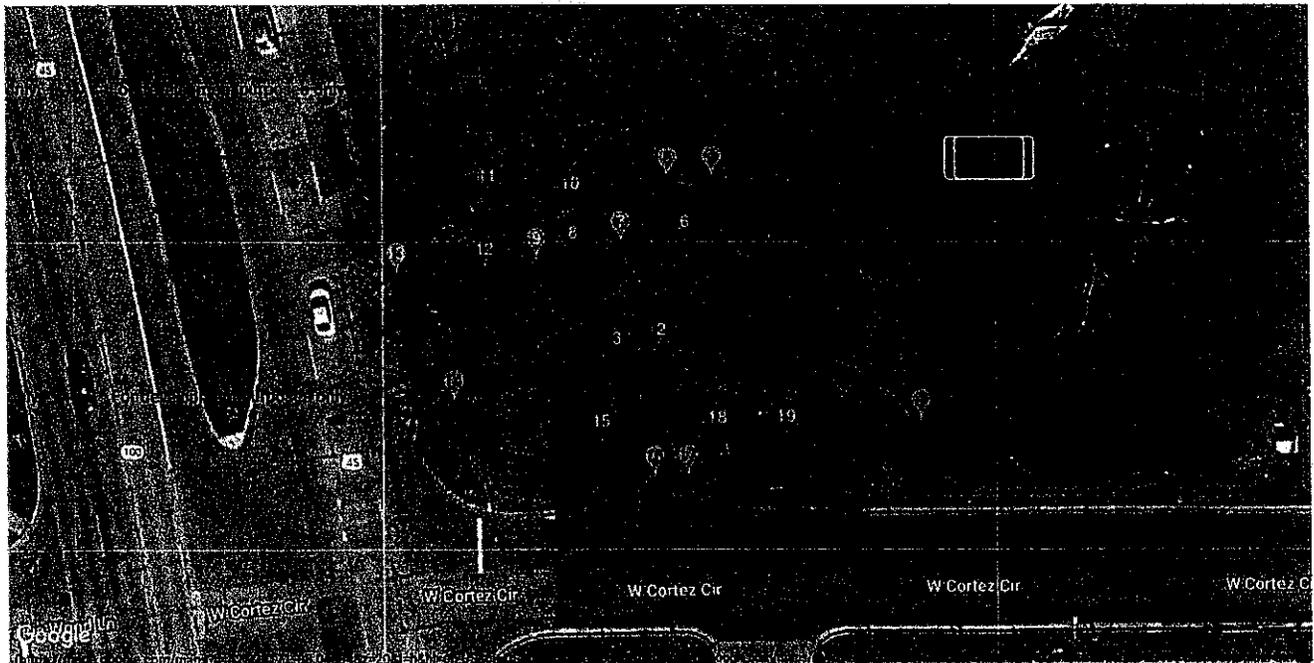
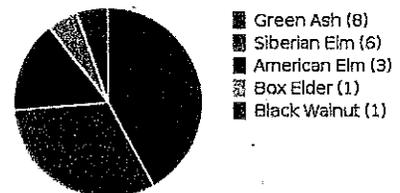
Treatment Categories image-charts.com



Treatment Summary image-charts.com



Species Summary image-charts.com



Tree	ID	Name	Treatment
 (http://app.arborplus.com/tree_images/52441/1000676715.1_lrg.jpg)	1	24-30" Siberian Elm (Ulmus pumila) [1000676715] very poor condition	Removal
 (http://app.arborplus.com/tree_images/52441/1000676698.1_lrg.jpg)	2	24-30" Green Ash (Fraxinus pennsylvanica) [1000676698] dead	Removal
 (http://app.arborplus.com/tree_images/52441/1000676697.1_lrg.jpg)	3	12-18" Green Ash (Fraxinus pennsylvanica) [1000676697] dead	Removal
 (http://app.arborplus.com/tree_images/52441/1000676696.1_lrg.jpg)	4	24-30" Siberian Elm (Ulmus pumila) [1000676696] very poor condition	Removal
 (http://app.arborplus.com/tree_images/52441/1000676695.1_lrg.jpg)	5	18-24" Siberian Elm (Ulmus pumila) [1000676695] very poor condition	Removal
 (http://app.arborplus.com/tree_images/52441/1000676694.1_lrg.jpg)	6	12-18" Box Elder (Acer negundo) [1000676694] very poor condition	Removal
 (http://app.arborplus.com/tree_images/52441/1000676693.1_lrg.jpg)	7	6-12" American Elm (Ulmus americana) [1000676693] very poor condition We energies disconnect to the light pole on lovers lane for this tree and the siberian elm on lovers lane	Removal
 (http://app.arborplus.com/tree_images/52441/1000676692.1_lrg.jpg)	8	6-12" Green Ash (Fraxinus pennsylvanica) [1000676692] very poor condition	Removal

< >

 <p>(http://app.arborplus.com/tree_images/52441/1000676691.1_lrg.jpg)</p>	<p>8-12" American Elm (Ulmus americana) [1000676691] very poor condition We energles</p>	<p>9 Removal</p> <p>disconnect to the light pole on lovers lane for this tree and the siberian elm on lovers lane</p>
 <p>(http://app.arborplus.com/tree_images/52441/1000676690.1_lrg.jpg)</p>	<p>30-36" Black Walnut (Juglans nigra) [1000676690] very poor condition</p>	<p>10 Pruning</p>
 <p>(http://app.arborplus.com/tree_images/52441/1000676689.1_lrg.jpg)</p>	<p>8-12" Green Ash (Fraxinus pennsylvanica) [1000676689] dead</p>	<p>11 Removal</p>
 <p>(http://app.arborplus.com/tree_images/52441/1000676688.1_lrg.jpg)</p>	<p>12-18" Green Ash (Fraxinus pennsylvanica) [1000676688] dead</p>	<p>12 Removal</p>
 <p>(http://app.arborplus.com/tree_images/52441/1000676687.1_lrg.jpg)</p>	<p>12-18" American Elm (Ulmus americana) [1000676687] very poor condition We energles</p>	<p>13 Removal</p> <p>disconnect to the light pole on lovers lane for this tree and the siberian elm on lovers lane</p>
 <p>(http://app.arborplus.com/tree_images/52441/1000676686.1_lrg.jpg)</p>	<p>30-36" Siberian Elm (Ulmus pumila) [1000676686] very poor condition</p>	<p>14 Removal</p>
 <p>(http://app.arborplus.com/tree_images/52441/1000676685.1_lrg.jpg)</p>	<p>18-24" Green Ash (Fraxinus pennsylvanica) [1000676685] dead</p>	<p>15 Removal</p>
 <p>(http://app.arborplus.com/tree_images/52441/1000676684.1_lrg.jpg)</p>	<p>30-36" Siberian Elm (Ulmus pumila) [1000676684] very poor condition</p>	<p>16 Removal</p>

<

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	(http://app.arborplus.com/tree_images/52441/1000676683.1_lrg.jpg)	12-18" Siberian Elm (Ulmus pumila) [1000676683] very poor condition	Removal
	(http://app.arborplus.com/tree_images/52441/1000676682.1_lrg.jpg)	24-30" Green Ash (Fraxinus pennsylvanica) [1000676682] dead tree	Removal
	(http://app.arborplus.com/tree_images/52441/1000676681.1_lrg.jpg)	24-30" Green Ash (Fraxinus pennsylvanica) [1000676681] dead tree	Removal
Subtotal: \$13,065			

Total: \$13,065.00

Definition of Treatments:

- **Removal** - Complete removal of tree to ground level using safety practices as outlined in ANSI Z133.1 safety standard.
- **Pruning** - Specifications to be determined by arborist.



Notes

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From: Gail Olsen <GOlsen@franklinwi.gov>
To: 'gregoryn@nisenbaumhomes.com' <gregoryn@nisenbaumhomes.com>
Cc: Gail Olsen <GOlsen@franklinwi.gov>
Subject: FW: City Forester information for Greg Nisenbaum
Priority: Normal **Date:** Tuesday, July 23, 2019 5:24 PM **Size:** 32 KB

Attachments: [] (11.5 KB)

Greg --
Here is the email from Joel as we discussed.

Thank you,

Gail Olsen
 Planning Secretary - Department of City Development
 City of Franklin
 9229 W. Loomis Road
 Franklin, Wisconsin 53132
 Phone: 414-425-4024
 Fax: 414-427-7691



From: Joel Dielt
Sent: Tuesday, July 23, 2019 4:07 PM
To: Gail Olsen
Subject: City Forester information for Greg Nisenbaum

Joel Dielt, AICP
 Planning Manager
 Department of City Development
 City of Franklin
 9229 W. Loomis Road
 Franklin, Wisconsin 53132
 Phone: 414-425-4024
 Email: jdielt@franklinwi.gov



— Forwarded Message —

Date: [Tue, 25 Jun 2019 16:09:03 +0000]
From: Tom Riha <TRiha@franklinwi.gov>
To: Joel Dielt <JDielt@franklinwi.gov>
Subject: 10540 Cortez Cir.

Hi Joel,

I had the chance to take a look at 10540 Cortez Circle today. I agree with the findings of Hoppe Tree Service. All ash trees are dead. 2 of the Siberian Elm are within city right of way along Cortez and it would make sense to remove them. Also along the county right of way a Siberian and an American Elm lean over the roadway. The Wisconsin DNR has Siberian Elm listed as a restricted invasive species. When the green ash and Siberian elm are removed only 5 trees remain. 1 Silver Maple in fair condition which Hoppe recommended to trim. 1 Black Walnut which was recommended to trim. 2 American Elm which will most likely die in the near future due to the presence of Dutch Elm Disease. 1 Box Elder which is still on ordinance as prohibited.

I recommend that a grove no longer exists on the property and that the conservation easement should be removed. Please call if you anything else.

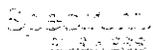
I also received and email about the development on Ryan Rd. Let me know if you would like me to do a site visit with you sometime.

Thank You,

Tom Riha
 City Forester
 ISA- Certified Arborist/Municipal Specialist



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From: Joel Dietl <JDietl@franklinwi.gov>
To: 'gregoryn@nisenbaumhomes.com' <gregoryn@nisenbaumhomes.com>
Cc: Jesse Wesolowski <jweslaw@aol.com>

Subject: 10504 Cortez Circle Special Use and Conservation Easement
Priority: Normal Date: Saturday, July 20, 2019 4:03 PM Size: 1 MB

Attachments: Miscellaneous 2015 Application_Formfiller.pdf (201.1 KB) RES2019-7473 (Special Use-Nisenbaum.pdf (782.8 KB) RES2019-7477 (Conservation Easement-Nisenbaum Homes).pdf (267.5 KB)

Greg,

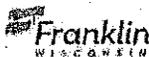
The City's Forester did visit the property at 10504 Cortez Circle and agreed with the findings of Hoppe Tree Service. As some of the trees were dead, there no longer are enough to qualify as a woodland grove, and the Conservation Easement should be removed. He also agreed with the removal of the Siberian Elms and Green Ash, and the trimming of the Silver Maple and Black Walnut.

As suggested by Jesse Wesolowski at our meeting of June 24th, you may complete the attached Miscellaneous application, and request that the Common Council revise Special Use Resolution No. 2019-7473 to remove condition #4, and to rescind or void Resolution No. 2019-7477 (the conservation easement).

Upon receipt of the completed application form, fee, and seven copies of all associated materials, at least 8 days before a scheduled Common Council meeting, this item would be placed on that agenda. Contrary to the application form, we will not need to conduct a staff review, and will be able to forward this directly to the Common Council.

You may wish to contact your attorney, to determine what documents or paperwork you should file with the Milwaukee County Register of Deeds Office to insure that if approved by the Common Council, that a record of that decision is included with the real estate records for this property.

Joel Dietl, AICP
Planning Manager
Department of City Development
City of Franklin
9229 W. Loomis Road
Franklin, Wisconsin 53132
Phone: 414-425-4024
Email: jdietl@franklinwi.gov



Open Attachment: Miscellaneous 2015 Application_Formfiller.pdf
Open Attachment: RES2019-7473 (Special Use-Nisenbaum.pdf
Open Attachment: RES2019-7477 (Conservation Easement-Nisenbaum Homes).pdf

Previous Message | Next Message

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STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2019-7477

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO
ACCEPT A CONSERVATION EASEMENT FOR AND AS PART
OF THE REVIEW AND APPROVAL OF A SPECIAL USE AND
NATURAL RESOURCE PROTECTION PLAN FOR A TWO-FAMILY
RESIDENTIAL SIDE BY SIDE RANCH TOWNHOME USE UPON
PROPERTY LOCATED AT 10504 WEST CORTEZ CIRCLE
(GREGORY D. NISENBAUM, PRESIDENT OF NISENBAUM
HOMES & REALTY, INC., APPLICANT)

WHEREAS, the Plan Commission having approved a Special Use and Natural Resource Protection Plan upon the application on March 7, 2019, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the woodlands on the site; and

WHEREAS, §15-7.0103Q. and §15-7.0702Q. of the Unified Development Ordinance requires the submission of a Natural Resource Protection Plan in the Special Use review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Planned Development District Amendment; and

WHEREAS, the City Engineering Department, Department of City Development and the Office of the City Attorney having reviewed the proposed Conservation Easement and having recommended approval thereof to the Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by Nisenbaum Homes, Inc., in the form and content as annexed hereto, be and the same is hereby approved; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

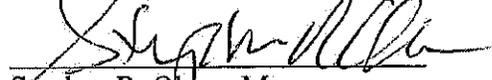
BE IT FURTHER RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of the Conservation Easement in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this 1st day of April, 2019.

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS
TO ACCEPT A CONSERVATION EASEMENT
NISENBAUM HOMES REALTY, INC.
RESOLUTION NO. 2019-7477
Page 2

Passed and adopted at a regular meeting of the Common Council of the City of Franklin
this 1st day of April, 2019.

APPROVED:


Stephen R. Olson, Mayor

ATTEST:


Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/06/19</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR FAITHWAY RESERVE SUBDIVISION (AT 7711 SOUTH 76TH STREET) (RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.18.</i></p>

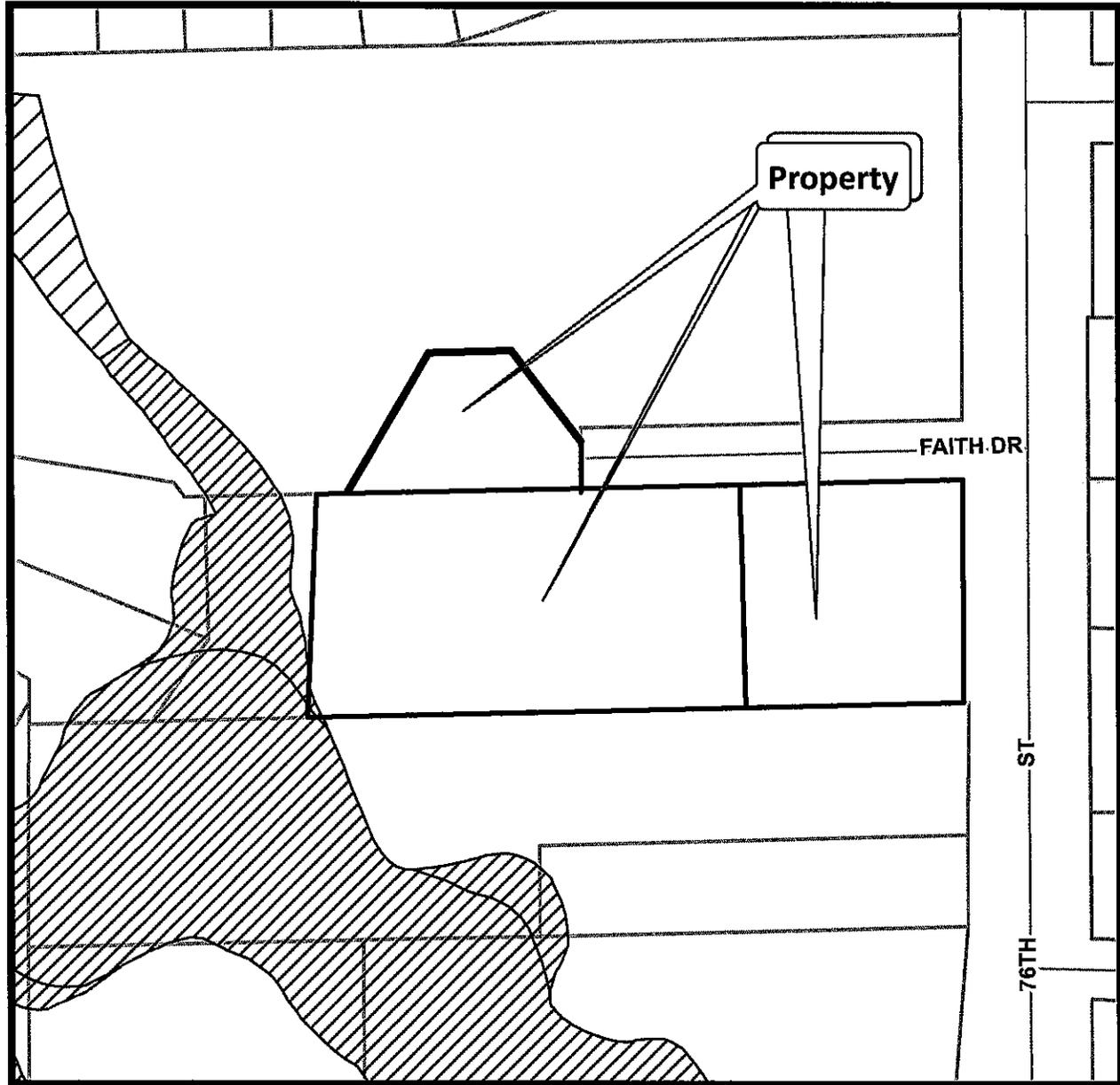
At the July 18, 2019 meeting of the Plan Commission the following action was approved: move to recommend approval of a resolution conditionally approving a Final Plat for Faithway Reserve Subdivision (at 7711 South 76th Street) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant).

COUNCIL ACTION REQUESTED

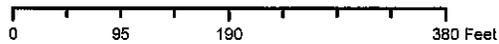
A motion to approve Resolution 2019-_____, conditionally approving a Final Plat for Faithway Reserve Subdivision (at 7711 South 76th Street) (Rick J. Przybyla, President of Creative Homes, Inc., Applicant).



7711-7725 S. 76th Street & 7700 W. Faith Drive
TKN: 792 0264 000
792 0263 000
792 9984 001



Planning Department
(414) 425-4024



2017 Aerial Photo

This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

RESOLUTION NO. 2019-_____

A RESOLUTION CONDITIONALLY APPROVING A
FINAL PLAT FOR FAITHWAY RESERVE SUBDIVISION
(AT 7711 SOUTH 76TH STREET)
(RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a final plat for Faithway Reserve Subdivision, such plat being all of Lot 3 and Lot 4 of CSM 8625 and a part of Parcel 1 of CSM 7051, being also part of the Southeast 1/4 of the Southeast 1/4 of Section 9, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 7711 South 76th Street (12,216 square feet to 38,783 square feet lot size), bearing Tax Key No. 885-0022-000, Rick J. Przybyla, President of Creative Homes, Inc., applicant; said Final Plat having been reviewed by the City Plan Commission following the reviews and recommendations or reports of the City Planning Department and the City Engineering Department, and the Plan Commission having recommended approval thereof at its meeting on July 18, 2019, pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed final plat is appropriate for approval pursuant to law upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Final Plat of Faithway Reserve Subdivision, as submitted by Rick J. Przybyla, President of Creative Homes, Inc., as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, and that all minor technical deficiencies within the Final Plat be rectified, all prior to the recording of the Final Plat.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Pursuant to §236.13(1) and (2), Stats., pertaining to conditions of plat approval and the provision of public improvements reasonably necessary, respectively, and §§15-

RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC. - FINAL PLAT FOR
FAITHWAY RESERVE SUBDIVISION
RESOLUTION NO. 2019-_____

Page 2

8.0101 and 15-2.0303 of the Unified Development Ordinance, pertaining to required improvements and the financial security to be provided therefore as conditions of plat approval, the required improvements prescribed in the Unified Development Ordinance for land divisions are required as a condition of the approval of the Final Plat for Faithway Reserve Subdivision; a Subdivision Development Agreement (“Subdivider’s Agreement”), as may be approved by the Common Council upon the recommendation of the City Engineer and as secured by a letter of credit in form as approved by the City Attorney, shall provide for the furnishing, construction and installation of the required improvements and such other matters as set forth therein, and shall be entered into and executed by Rick J. Przybyla, President of Creative Homes, Inc. prior to the recording of the Final Plat.

4. Each and any easement shown on the Final Plat shall be the subject of separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Final Plat.
5. That any and all submissions, reviews and approvals, for any and all matters required to be submitted, reviewed and/or approved within the final plat application process as specified within the Unified Development Ordinance, which may not have been submitted, reviewed and/or approved as of the date of adoption of this Resolution, if any, including for matters of utility easements, a declaration of deed restrictions and protective covenants, conservation easements, other public purpose easements, stormwater management agreements, and homeowners’ association legal instruments, shall be so submitted, reviewed and/or approved, prior to the recording of the Final Plat.
6. Rick J. Przybyla, President of Creative Homes, Inc., successors and assigns and any developer of the Faithway Reserve 8 lot single-family residential subdivision development shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Faithway Reserve 8 lot single-family residential subdivision development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC. - FINAL PLAT FOR
FAITHWAY RESERVE SUBDIVISION
RESOLUTION NO. 2019-_____

Page 3

7. The approval granted hereunder is conditional upon Rick J. Przybyla, President of Creative Homes, Inc. and the Faithway Reserve 8 lot single-family residential subdivision development project for the property located at 7711 South 76th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
8. The Faithway Reserve 8 lot single-family residential subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
9. The applicant shall submit a draft of declaration of deed restrictions and protective covenants whereby the Subdivider intends to regulate land use in the proposed Subdivision and otherwise protect the proposed development as required by Section 15-7.0507A. of the Unified Development Ordinance prior to recording of the Final Plat.
10. The applicant shall revise the Conservation Easement Restrictions noted on the plat to match the language within the recorded Conservation Easement prior to recording of the Final Plat.
11. The applicant shall utilize signage or boulders to mark the location of the conservation easement boundary onsite.
12. Any proposed subdivision monument sign(s) shall be subject to review and approval by the Plan Commission and the issuance of a Sign Permit from the Inspection Services Department.
13. The applicant shall remove the overlapping public utility easements (D & A) from the easements granted to the City of Franklin (B) for Engineering Department review and approval prior to recording of the Final Plat.
14. [other conditions, etc.]

BE IT FURTHER RESOLVED, that the Final Plat of Faithway Reserve Subdivision, be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC. - FINAL PLAT FOR
FAITHWAY RESERVE SUBDIVISION
RESOLUTION NO. 2019-_____

Page 4

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a final plat, the City Clerk is hereby directed to obtain the recording of the Final Plat of Faithway Reserve Subdivision with the Office of the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2019.

APPROVED:

ATTEST:

Stephen R. Olson, Mayor

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



CITY OF FRANKLIN



REPORT TO THE PLAN COMMISSION

Meeting of July 18, 2019

Final Plat

RECOMMENDATION: City Development Staff recommends approval of the Final Plat for the development of eight single-family residential lots, subject to the conditions as noted in the attached draft resolution.

Project Name:	Faithway Reserve Final Plat
Project Location:	7711 S. 76 th Street, 7725 S. 76 th Street and 7700 W. Faith Drive
Property Owner:	Creative Homes, Inc.
Applicant:	Rick Przybyla, Creative Homes, Inc.
Current Zoning:	R-6 Suburban Single-Family Residence District & FW Floodway District & I-1 Institutional District
2025 Comprehensive Plan:	Residential, Areas of Natural Resource Features, and Institutional
Use of Surrounding Properties:	Faith Community Church to the north and east, single-family residential to the south and vacant land zoned I-1 owned by the Franklin School District to the west
Applicant's Action Requested:	Approval of the Final Plat for future single-family residential development

INTRODUCTION:

Please note:

- Staff recommendations are included in the draft resolution.
- Staff comments, and the applicant's responses, are attached.

On June 27, 2019, the applicant Creative Homes, Inc., filed an application for a Final Plat for the Faithway Reserve subdivision development. Faithway Reserve is an eight-lot single-family subdivision generally located at the southwest corner of W. Faith Drive and S. 76th Street.

The properties were previously part of a Certified Survey Map completed in 2014, which created two lots adjacent to Imperial Drive and the properties at 7725 W. Faith Drive and 7711 S. 76th Street.

Following the Certified Survey Map, Creative Homes received approval of a rezoning request in 2015 for the portion of the development on the Faith Community Church property (Lot No. 8). That rezoning was contingent upon Common Council approval of a Preliminary Plat and the approval and recording of a Final Plat, and approval and recording of a Conservation Easement.

In addition, a Comprehensive Master Plan Amendment was approved in 2015 to amend the Future Land Use Map designation from Institutional use to Residential Use.

Most recently, the Preliminary Plat was approved at the August 21, 2018 Common Council meeting.

PROJECT DESCRIPTION/ANALYSIS:

The proposed lots range in size from 12,216 square feet to 38,783 square feet, with an average lot size of about 19,704 square feet. All lots abut and have sufficient width along a public right-of-way.

Lot No. 1 will be accessed from S. 76th Street. The remainder of the lots are all accessible from W. Faith Drive, which will be extended from its existing location just west of the entrance drive to Faith Community Church and end with a cul-de-sac bulb curving south.

Staff will recommend that prior to recording the Final Plat, a Declaration of Deed Restrictions and Protective Covenants and any other Homeowners' Association documentation be submitted for review by the City Attorney per Section 15-7.0603 of the Unified Development Ordinance.

Stormwater Management:

The applicant is proposing to utilize the existing storm water pond on Faith Community Church property. An agreement with the church is already in place.

A stormwater management plan and calculations were submitted to the Engineering Department for review as part of the Preliminary Plat Application.

Public Sewer and Water:

Public sewer and water service are currently available along S. 76th Street and will be extended to serve these homes.

Staff will recommend that pursuant to Sections 15-2.0303 and 15-8.0101 of the UDO, a Subdivision Development Agreement and associated letter of credit (to ensure the proper furnishing, construction, and installation of required improvements), be prepared by the applicant for review by the City Engineer and the City Attorney and approval by the Common Council, prior to recording of the Final Plat.

Natural Resource Protection Plan:

The property contains a conservation easement that was recorded in 2014 as part of the Certified Survey Map that created the two lots adjacent to Imperial Drive and the properties at 7725 W. Faith Drive and 7711 S. 76th Street. Staff will recommend that the Conservation Easement Restrictions noted on the plat match the language within the recorded Conservation Easement.

The Natural Resource Protection Plan was completed by DAAR Engineering. The wetlands were delineated by Dave Meyer of Wetland & Waterway Consulting, LLC on May 15, 2013.

Staff will also recommend that the applicant utilize signage or boulders to mark the location of the conservation easement boundary onsite.

Signage:

Signage is not being proposed at this time. Staff will recommend that any proposed subdivision sign(s) be subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.

STAFF RECOMMENDATION:

City Development Staff recommends approval of the Final Plat for the development of eight single-family residential lots, subject to the conditions as noted in the attached draft resolution.



FAITHWAY RESERVE

PROJECT SUMMARY

- Located 7711 S 76th Street
- All lots serviced by municipal sewer and water
- 8 single family lots
- Architecturally controlled community
- Anticipated minimum square foot requirements – Ranch 1800 sq. ft / 2-story 2100 sq.ft
- Lot sizes ranging from 12,200 to 25,800 square feet
- Current zoning R-6

DEVELOPER / COMPANY PROFILE

Creative Homes, Inc., is a small family owned and operated business, located in the City of Franklin, which has been a builder of quality homes and developments for over 30 years. Creative Homes, Inc. has developed over 500 lots throughout the communities of Franklin, Muskego, and Greenfield, with significant concentration in the City of Franklin. Creative Homes, Inc. also builds semi-custom homes.

MARKET ANALYSIS

- 8 single family lots
- Packages starting at approximately \$ 425,000
- 8 lot/home packages x \$ 475,000 = \$ 3,800,000 (approximate)
- School impact = less than .5 / lot x 8 lots = 4 students

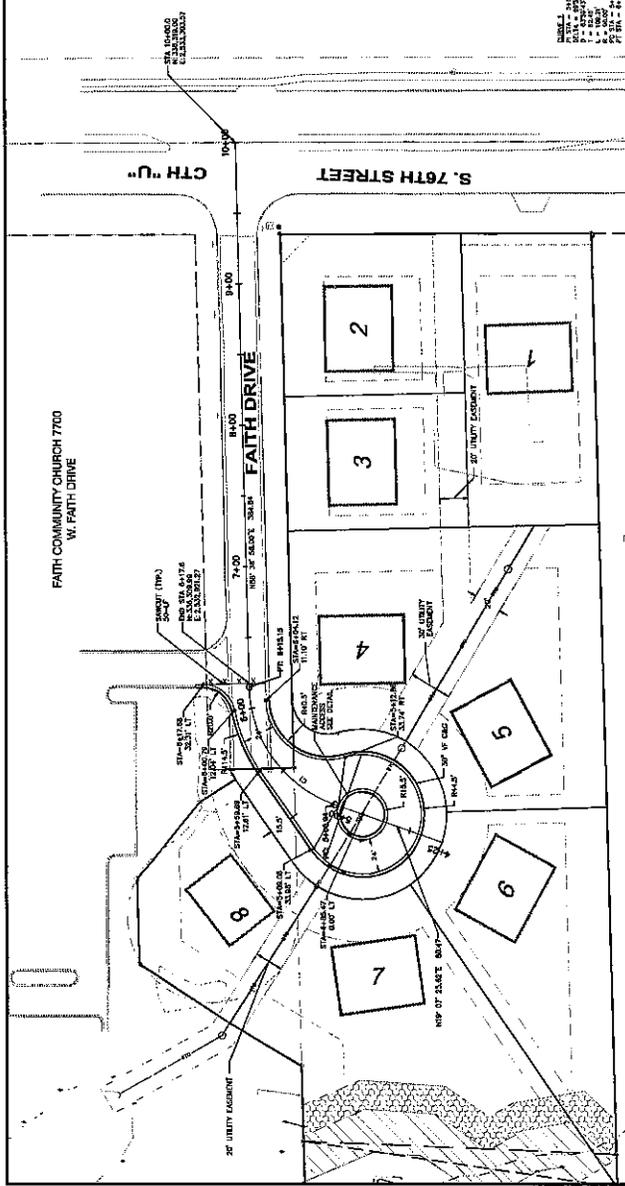
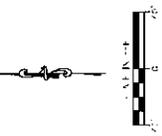
BENEFITS

- High demand for single family lots in Franklin due to lack of inventory
- Tax benefit to the City of Franklin with higher priced homes

"A Builder of Quality Homes & Developments"

9244 West Grandview Court • Franklin, WI 53132 • Phone: 114.529.0958 • Fax: 114.529.4032

- NOTES**
- THE SPACING SHALL CONSIST OF FOUR (4) SECTIONS OF 100' EACH, DEVELOPED IN THE MIDDLE OF THE ROADWAY. THE SPACING SHALL BE 2.5' ON A 100' SPACING. THE FINAL SPACING SHALL BE 2.5'.
 - CONSTRUCTION OF THE ROADWAY AND DRAINAGE COURSE SHALL BE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS, SEVENTH EDITION, 2003, CHAPTER 10, PART 10.01, AND CHAPTER 10, PART 10.02.
 - ALL STRUCTURES SHALL BE FINISHED WITH CS-1 OR AT THE RATE OF 0.02 GAL/INCH PER INCH OF SPACING.
 - THE CONTRACTOR SHALL PROVIDE FOR THE PROTECTION OF ALL UTILITIES AND EXISTING STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 - USE CHECKED DIMENSIONS FOR THE SPACING OF ALL CHANNELS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 - ALL DIMENSIONS ARE TO THE FACE OF CURB.
 - ALL DIMENSIONS ARE TO THE FACE OF CURB.



FAITHWAY RESERVE
 7711 S. 76TH STREET
 FRANKLIN, WI 53132

CREATIVE HOMES
 507 CALAHEVE COURT
 FRANKLIN, WI 53132

THE FAITH DRIVE
 FROM: 4945
 TO: 19400

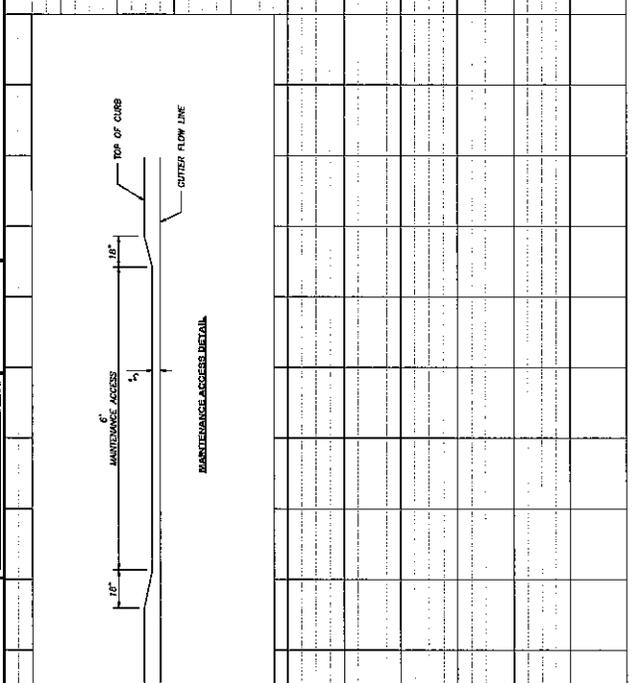
One Source Consulting
 1000 W. WISCONSIN AVENUE
 SUITE 200
 MILWAUKEE, WI 53233
 (414) 224-8800
 www.onesourceconsulting.com

WAS & PARTNERS, INC.
 1000 W. WISCONSIN AVENUE
 SUITE 200
 MILWAUKEE, WI 53233
 (414) 224-8800
 www.waspartners.com

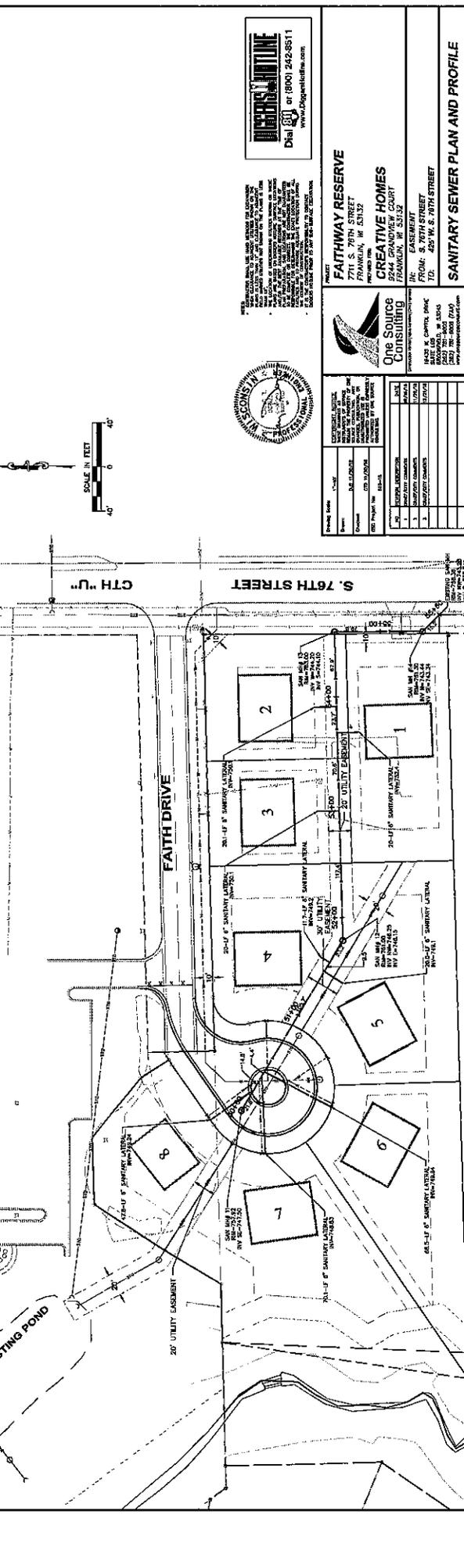
NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	11/11/11
2	FINAL PLAN	11/11/11
3	AS-BUILT PLAN	11/11/11

DATE: 11/11/11
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT NO.: [Number]

ROADWAY PLAN AND PROFILE



STATION	ELEVATION	PROPOSED GRADE AT TOP OF ROAD	PROPOSED GRADE AT GUTTER	PROPOSED GRADE AT CURB
772	772.00	772.00	772.00	772.00
774	774.00	774.00	774.00	774.00
776	776.00	776.00	776.00	776.00
778	778.00	778.00	778.00	778.00
780	780.00	780.00	780.00	780.00
782	782.00	782.00	782.00	782.00
784	784.00	784.00	784.00	784.00
786	786.00	786.00	786.00	786.00
788	788.00	788.00	788.00	788.00
790	790.00	790.00	790.00	790.00
792	792.00	792.00	792.00	792.00
794	794.00	794.00	794.00	794.00
796	796.00	796.00	796.00	796.00
798	798.00	798.00	798.00	798.00
800	798.55	798.55	798.55	798.55
802	799.20	799.20	799.20	799.20
804	799.85	799.85	799.85	799.85
806	800.50	800.50	800.50	800.50
808	801.15	801.15	801.15	801.15
810	801.80	801.80	801.80	801.80
812	802.45	802.45	802.45	802.45
814	803.10	803.10	803.10	803.10
816	803.75	803.75	803.75	803.75
818	804.40	804.40	804.40	804.40
820	805.05	805.05	805.05	805.05
822	805.70	805.70	805.70	805.70
824	806.35	806.35	806.35	806.35
826	807.00	807.00	807.00	807.00
828	807.65	807.65	807.65	807.65
830	808.30	808.30	808.30	808.30
832	808.95	808.95	808.95	808.95
834	809.60	809.60	809.60	809.60
836	810.25	810.25	810.25	810.25
838	810.90	810.90	810.90	810.90
840	811.55	811.55	811.55	811.55
842	812.20	812.20	812.20	812.20
844	812.85	812.85	812.85	812.85
846	813.50	813.50	813.50	813.50
848	814.15	814.15	814.15	814.15
850	814.80	814.80	814.80	814.80
852	815.45	815.45	815.45	815.45
854	816.10	816.10	816.10	816.10
856	816.75	816.75	816.75	816.75
858	817.40	817.40	817.40	817.40
860	818.05	818.05	818.05	818.05
862	818.70	818.70	818.70	818.70
864	819.35	819.35	819.35	819.35
866	820.00	820.00	820.00	820.00
868	820.65	820.65	820.65	820.65
870	821.30	821.30	821.30	821.30
872	821.95	821.95	821.95	821.95
874	822.60	822.60	822.60	822.60
876	823.25	823.25	823.25	823.25
878	823.90	823.90	823.90	823.90
880	824.55	824.55	824.55	824.55
882	825.20	825.20	825.20	825.20
884	825.85	825.85	825.85	825.85
886	826.50	826.50	826.50	826.50
888	827.15	827.15	827.15	827.15
890	827.80	827.80	827.80	827.80
892	828.45	828.45	828.45	828.45
894	829.10	829.10	829.10	829.10
896	829.75	829.75	829.75	829.75
898	830.40	830.40	830.40	830.40
900	831.05	831.05	831.05	831.05
902	831.70	831.70	831.70	831.70
904	832.35	832.35	832.35	832.35
906	833.00	833.00	833.00	833.00
908	833.65	833.65	833.65	833.65
910	834.30	834.30	834.30	834.30
912	834.95	834.95	834.95	834.95
914	835.60	835.60	835.60	835.60
916	836.25	836.25	836.25	836.25
918	836.90	836.90	836.90	836.90
920	837.55	837.55	837.55	837.55
922	838.20	838.20	838.20	838.20
924	838.85	838.85	838.85	838.85
926	839.50	839.50	839.50	839.50
928	840.15	840.15	840.15	840.15
930	840.80	840.80	840.80	840.80
932	841.45	841.45	841.45	841.45
934	842.10	842.10	842.10	842.10
936	842.75	842.75	842.75	842.75
938	843.40	843.40	843.40	843.40
940	844.05	844.05	844.05	844.05
942	844.70	844.70	844.70	844.70
944	845.35	845.35	845.35	845.35
946	846.00	846.00	846.00	846.00
948	846.65	846.65	846.65	846.65
950	847.30	847.30	847.30	847.30
952	847.95	847.95	847.95	847.95
954	848.60	848.60	848.60	848.60
956	849.25	849.25	849.25	849.25
958	849.90	849.90	849.90	849.90
960	850.55	850.55	850.55	850.55
962	851.20	851.20	851.20	851.20
964	851.85	851.85	851.85	851.85
966	852.50	852.50	852.50	852.50
968	853.15	853.15	853.15	853.15
970	853.80	853.80	853.80	853.80
972	854.45	854.45	854.45	854.45
974	855.10	855.10	855.10	855.10
976	855.75	855.75	855.75	855.75
978	856.40	856.40	856.40	856.40
980	857.05	857.05	857.05	857.05
982	857.70	857.70	857.70	857.70
984	858.35	858.35	858.35	858.35
986	859.00	859.00	859.00	859.00
988	859.65	859.65	859.65	859.65
990	860.30	860.30	860.30	860.30
992	860.95	860.95	860.95	860.95
994	861.60	861.60	861.60	861.60
996	862.25	862.25	862.25	862.25
998	862.90	862.90	862.90	862.90
1000	863.55	863.55	863.55	863.55



PROJECT: FAITHWAY RESERVE
 745 S. 76TH STREET
 FRANKLIN, WI 53132

CREATIVE HOMES
 COURT
 FRANKLIN, WI 53132

ONE SOURCE CONSULTING
 MADE & CAPITAL, INC.
 STATE OF WI - MADISON
 2020 7TH FLOOR 7410
 WWW.ONE-SOURCECONSULTING.COM

DATE: 08/14/19
 TIME: 11:58 AM
 BY: JACOBSON

FROM: S. 76TH STREET
 TO: 485' W. S. 76TH STREET

DATE: 08/14/19
 TIME: 11:58 AM
 BY: JACOBSON

DATE: 08/14/19
 TIME: 11:58 AM
 BY: JACOBSON

725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755

50+00 51+00 52+00 53+00 54+00 55+00 56+00

C-5



TONY EVERS
GOVERNOR
JOEL BRENNAN
SECRETARY

Plat Review

101 E Wilson St FL 9, Madison WI 53703
PO Box 1645, Madison WI 53701
(608) 266-3200 Fax: (608) 264-6104 TTY: (608) 267-9629
E-mail: plat.review@wi.gov
<http://doa.wi.gov/platreview>

May 10, 2019

0187
PERMANENT FILE NO. 27894

CRAIG DONZE
ONE SOURCE CONSULTING
19435 W CAPITOL DR STE L05
BROOKFIELD WI 50296

Subject: FAITHWAY RESERVE
SE1/4 S9 T5N R21E
CITY OF FRANKLIN, MILWAUKEE COUNTY

Dear Mr. Donze:

You have submitted FAITHWAY RESERVE for review. The Department of Administration does not object to the final plat bearing your February 26, 2019 signing date. We certify that it complies with: s. 236.15, s. 236.16, s. 236.20, and s. 236.21, Wis. Stats.; and the Milwaukee Co Dept of Administrative Services.

DEPARTMENT OF ADMINISTRATION COMMENTS:

The Department of Administration has no conditions for this plat.

s. 236.16 (3) The adjacent S. 76th Street/CTH U and nearby West Drexel Avenue right of ways provides public access to Legend Creek that meets the requirements of this section.

Note to all: The surveyor indicated that all exterior monuments have been set and that the City of Franklin has temporarily waived placing the interior monuments per s. 236.15 (1) (h), Wis. Stats.

COUNTY PLANNING AGENCY:

The Milwaukee Co Dept of Administrative Services is an objecting agency on this plat. On November 26, 2018, we transmitted copies to them for review. On December 17, 2018 they returned a copy of the plat certifying no objection. Today they notified us that the revised plat satisfies their conditions of certification.

The plat shall be presented to the City Council for final approval and signing. The City, during its review of the plat, will have resolved when applicable that the plat:

- complies with local comprehensive plans, official map or subdivision control ordinances;
- conforms with areawide water quality management regulations;
- complies with Wisconsin shoreland management regulations;
- resolves possible problems with storm water runoff;
- fits the design to the topography;
- displays well designed lot and street layout;
- is served by public sewer or private sewage systems;
- includes service or is serviceable by necessary utilities.

Any changes to the plat involving details checked by this Department or the Milwaukee Co Dept of Administrative Services will require submission of the plat to the Department for recertification before the plat is eligible for recording. Such changes can be found by comparing the recordable document with the half-size copy of the certified plat furnished with this letter.

If there are any questions concerning this review, please contact our office, at the number listed below.

Sincerely,



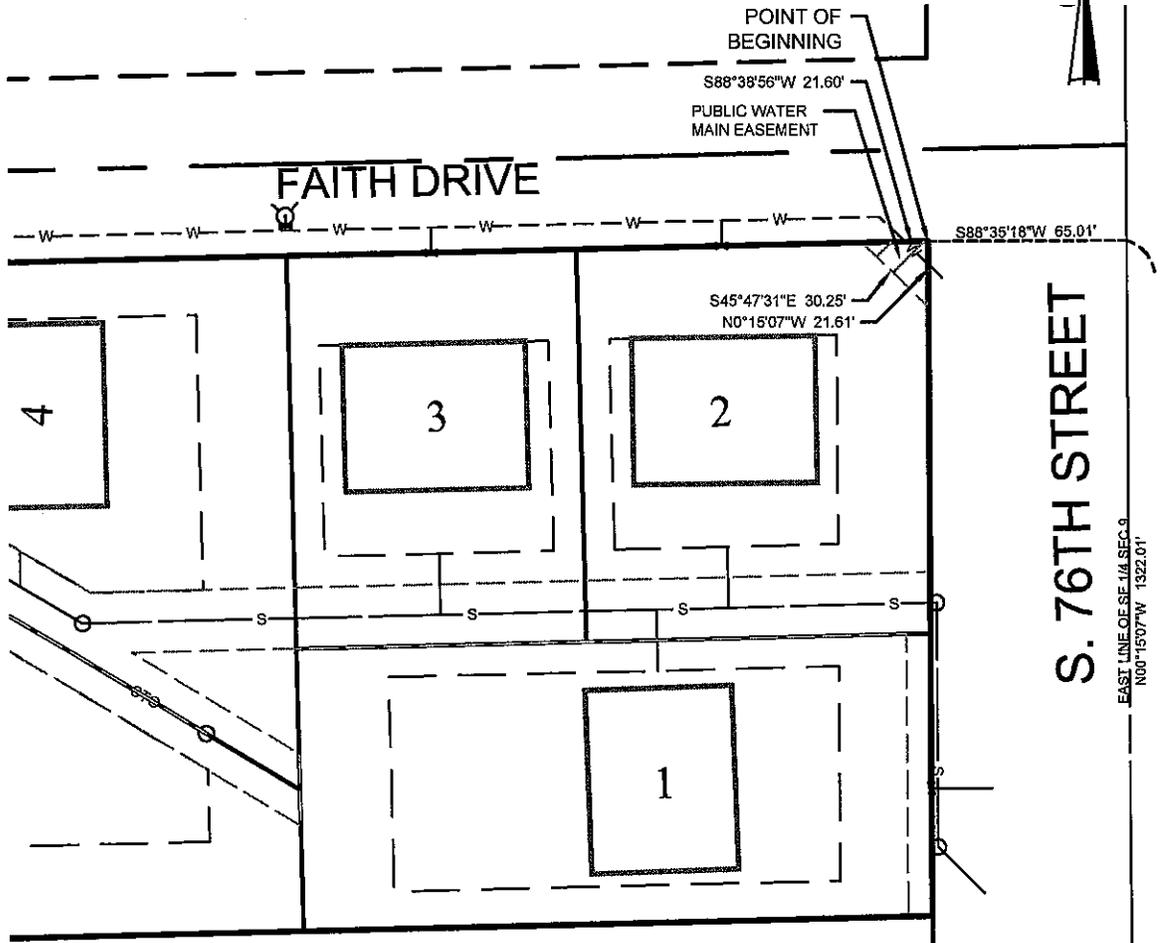
Renée M. Powers, PLS
Plat Review
Phone: (608) 266-3200

Enc: Recordable Document, Print

cc: Creative Homes Inc, Owner
Clerk, City of Franklin
Milwaukee Co Dept of Administrative Services
Register of Deeds
SEWRPC

ORIGINAL RECEIVED FROM SURVEYOR ON 11/26/2018; REVIEWED ON 12/20/2018
SUBSTITUTE ORIGINAL RECEIVED FROM SURVEYOR ON 05/07/2019

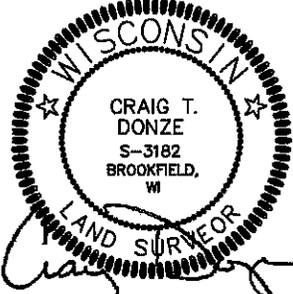
FAITHWAY RESERVE
EXHIBIT A
PUBLIC WATER MAIN EASEMENT



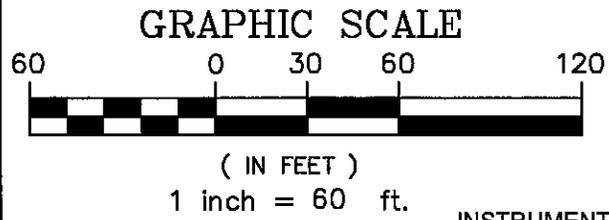
S. 76TH STREET

EAST LINE OF SE 1/4 SEC. 9
 N00°15'07\"/>

Southeast Corner SE 1/4
 (E 1/4 Corner)
 Section 9 T5N, R12E



Craig T. Donze
 Professional Land Surveyor,
 S-3182



INSTRUMENT DRAFTED BY: CRAIG T DONZE

SHEET 1 OF 3

LAST REVISED: NOVEMBER 14, 2018

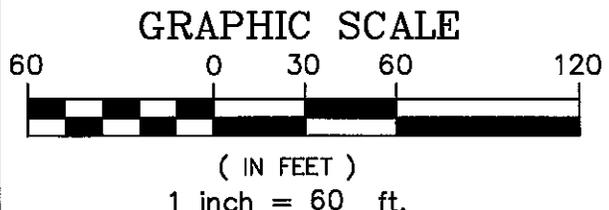
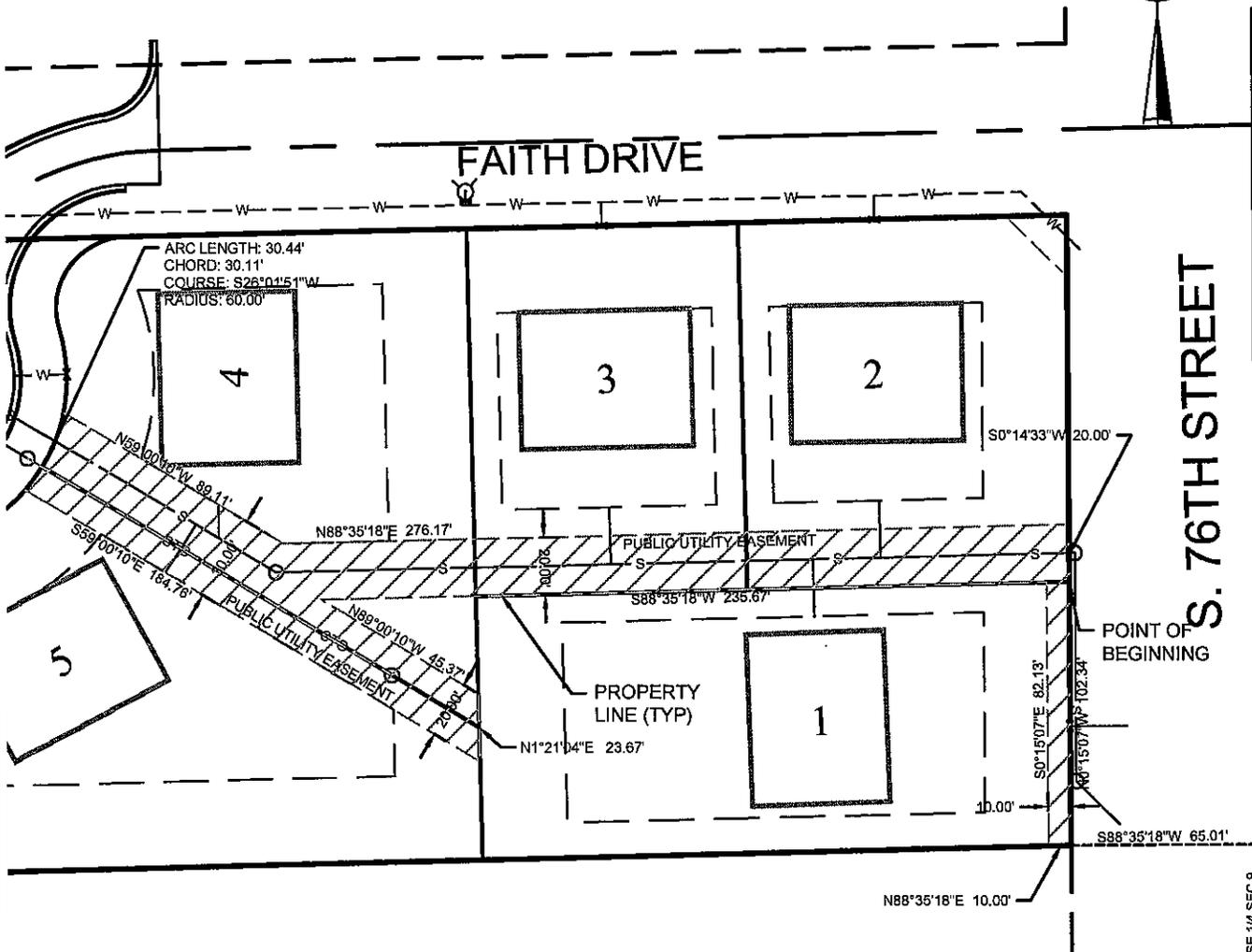
FAITHWAY RESERVE
 EXHIBIT B
 PUBLIC UTILITY EASEMENT



FAITH DRIVE

S. 76TH STREET

POINT OF BEGINNING



Craig T. Donze
 Professional Land Surveyor,
 S-3182

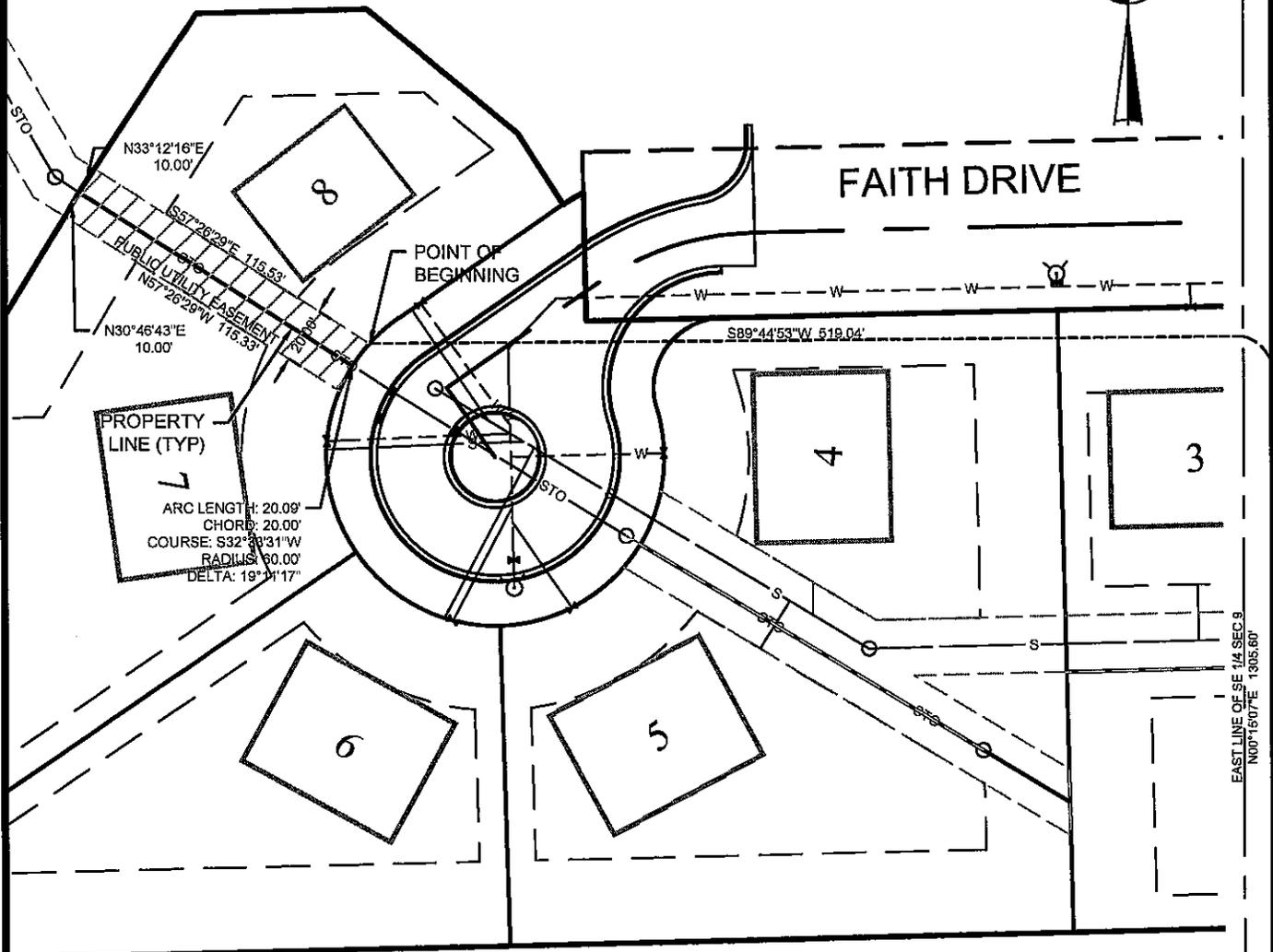
Southeast Corner SE 1/4
 (E 1/4 Corner)
 Section 9 T5N, R12E
 EAST LINE OF SE 1/4 SEC 9
 N60°15'07"E 1101.02'

INSTRUMENT DRAFTED BY: CRAIG T DONZE

SHEET 2 OF 3

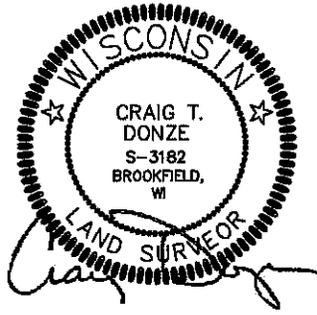
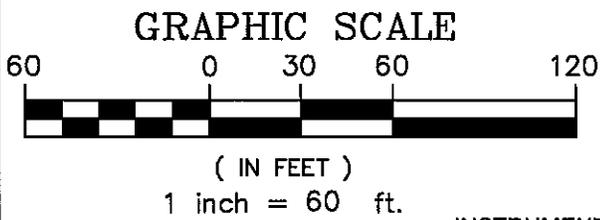
LAST REVISED: NOVEMBER 14, 2018

FAITHWAY RESERVE
EXHIBIT C
PUBLIC UTILITY EASEMENT



PROPERTY LINE (TYP)
 ARC LENGTH: 20.09'
 CHORD: 20.00'
 COURSE: S32°33'31\"W
 RADIUS: 60.00'
 DELTA: 19° 11' 17\"

EAST LINE OF SE 1/4 SEC 9
 N00°15'07\"E 1305.60'



Craig T. Donze
Professional Land Surveyor,
S-3182

Southeast Corner SE 1/4
 (E 1/4 Corner)
 Section 9 T5N, R12E

LEGAL DESCRIPTION – FAITHWAY RESERVE SUBDIVISION EXTERIOR BOUNDARY

BEING ALL OF LOT 3 AND LOT 4 OF CSM 8625 AND A PART OF PARCEL 1 OF CSM 7051, BEING ALSO PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

SAID LANDS ARE BOUNDED AND DESCRIBED AS FOLLOWS;

COMMENCING AT A FOUND CONCRETE MONUMENT WITH BRASS CAP MARKING THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF AFORESAID SECTION 9, THENCE N00°15'07"W, A DISTANCE OF 1101.22 FEET TO A POINT; THENCE S88°35'18"W, A DISTANCE OF 65.01 FEET TO A 1" IRON PIPE FOUND ON THE WEST RIGHT OF WAY LINE OF S. 76TH STREET (C.T.H. "U"), AT THE SOUTHEAST CORNER OF LOT 4 OF CSM 8625 AND THE POINT OF BEGINNING OF LANDS HEREINAFTER DESCRIBED; THENCE CONTINUING S88°35'18"W, A DISTANCE OF 673.28 FEET TO A MEANDER CORNER; THENCE N08°15'44"E, A DISTANCE OF 224.62 FEET ALONG A MEANDER LINE TO A 1" IRON PIPE FOUND ON THE NORTH LINE OF LOT 3 OF CSM 8625; THENCE N88°38'56"E, A DISTANCE OF 52.90 FEET ALONG SAID NORTH LINE OF LOT 3 OF CSM 8625 TO A POINT; THENCE N30°46'43"E, A DISTANCE OF 58.83 FEET TO A POINT; THENCE N33°12'16"E, A DISTANCE OF 75.87 FEET TO A POINT; THENCE N88°29'34"E, A DISTANCE OF 60.35 FEET TO A POINT; THENCE S50°40'49"E, A DISTANCE OF 69.52 FEET TO A POINT; THENCE S32°33'04"E, A DISTANCE OF 30.02 FEET TO A POINT; THENCE 8.22 FEET ALONG AN ARC OF A CURVE WHOSE CENTER LIES TO THE SOUTH, WHOSE RADIUS IS 130.00 FEET AND WHOSE CHORD BEARS N59°06'50.5"E, A DISTANCE OF 8.22 FEET; THENCE S01°21'16"E, A DISTANCE OF 45.54 FEET TO A POINT AT THE SOUTHWEST END OF RIGHT OF WAY FOR W. FAITH DRIVE; THENCE N88°38'56"E, A DISTANCE OF 377.00 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF W. FAITH DRIVE TO A 1" IRON PIPE FOUND ON THE WEST LINE OF S. 76TH STREET (C. T.H. "U"), BEING ALSO THE NORTHEAST CORNER OF LOT 4 OF CSM 8625; THENCE S00°15'07"E, DISTANCE OF 220.79 FEET ALONG THE EAST LINE OF SAID LOT 4 AND WEST RIGHT OF WAY LINE OF S. 76TH STREET (C. T.H. "U") TO THE POINT OF BEGINNING.

SAID DESCRIBED LANDS CONTAINING 162,122 S.F. (3.7218 ACRES) TO THE MEANDER LINE AS SHOWN, MORE OR LESS OF LAND, INCLUDING INTERIOR STREETS TO BE DEDICATED FOR PUBLIC ROAD PURPOSES AS SHOWN. LANDS TO BE DEDICATED CONTAIN 12,693 S.F. (0.2914 ACRES). NET AREA CONTAINS 149,429 S.F. (3.4304 ACRES) MORE OR LESS OF LAND.

PARCEL INCLUDES LANDS LYING BETWEEN THE DESCRIBED MEANDER LINE AND THE THREAD OF UNNAMED CREEK AS SHOWN WHOSE AREA IS 8,206 S.F. (0.1884 AC) MORE OR LESS OF LAND.

Drafted by: Craig Donze S-3182
November 14, 2018

LEGAL DESCRIPTION – PUBLIC WATER MAIN EASEMENT (LOT 2)

BEING ALL THAT PART OF LOT 2 OF "FAITHWAY RESERVE", A DIVISION OF ALL OF LOT 3 AND LOT 4 OF CSM 8625 AND A PART OF PARCEL 1 OF CSM 7051, BEING PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF AFORESAID SECTION 9, THENCE N00°15'07"W, A DISTANCE OF 1322.01 FEET TO A POINT; THENCE S88°35'18"W, A DISTANCE OF 65.01 FEET TO THE WEST RIGHT OF WAY LINE OF S. 76TH STREET (C.T.H. "U"), AND THE NORTHEAST CORNER OF LOT 2 OF SAID FAITHWAY RESERVE AND THE POINT OF BEGINNING OF LANDS HEREINAFTER DESCRIBED; THENCE S88°38'56"W, 21.60 FEET TO A POINT, THENCE S45°47'31"E, 30.25 FEET TO A POINT, THENCE N00°15'07"W, 21.60 FEET TO THE NORTHEAST CORNER OF LOT 1 AND THE POINT OF BEGINNING.

SAID EASEMENT CONTAINING 233 SF (0.0053 ACRES) MORE OR LESS OF LAND.

LEGAL DESCRIPTION – PUBLIC UTILITY EASEMENT (LOTS 7 & 8)

BEING ALL THAT PART OF LOTS 7 & 8 OF "FAITHWAY RESERVE", A DIVISION OF ALL OF LOT 3 AND LOT 4 OF CSM 8625 AND A PART OF PARCEL 1 OF CSM 7051, BEING PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF AFORESAID SECTION 9, THENCE N00°15'07"W, A DISTANCE OF 1305.60 FEET TO A POINT; THENCE S89°44'53"W, A DISTANCE OF 519.04 FEET TO THE POINT OF BEGINNING OF LANDS HEREINAFTER DESCRIBED; THENCE 20.09 FEET ALONG THE ARC OF A CURVE, WHOSE CENTER LIES TO THE SOUTHEAST, WITH A RADIUS OF 60.00 FEET, AND WHOSE CHORD BEARS S32°35'15"W, 20.00 FEET; THENCE N57°26'29"W, 115.33 FEET TO A POINT THENCE N30°46'43"E, 10.00 FEET TO A POINT, THENCE N33°12'16"E, 10.00 FEET TO A POINT; THENCE S57°26'29"E, 115.53 FEET TO THE POINT OF BEGINNING

SAID EASEMENT CONTAINING 2302 SF (0.0528 ACRES) MORE OR LESS OF LAND.

LEGAL DESCRIPTION – PUBLIC UTILITY EASEMENT (LOTS 1, 2, 3, 4, AND 5)

BEING ALL THAT PART OF LOTS 1, 2, 3, 4, AND 5 OF "FAITHWAY RESERVE", A DIVISION OF ALL OF LOT 3 AND LOT 4 OF CSM 8625 AND A PART OF PARCEL 1 OF CSM 7051, BEING PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF AFORESAID SECTION 9, THENCE N00°15'07"W, A DISTANCE OF 1101.22 FEET TO A POINT; THENCE S88°35'18"W, A DISTANCE OF 65.01 FEET TO THE WEST RIGHT OF WAY LINE OF S. 76TH STREET (C.T.H. "U"), AND THE SOUTHEAST CORNER OF LOT 1 OF SAID FAITHWAY RESERVE AND THE POINT OF BEGINNING OF LANDS HEREINAFTER DESCRIBED; THENCE N00°15'07"W, 102.34 FEET TO A POINT; THENCE S88°35'18"W, 276.17 FEET TO A POINT; THENCE N59°00'10"W, 89.11 FEET TO A POINT; THENCE 30.44 FEET ALONG THE ARC OF A CURVE, WHOSE CENTER LIES TO THE NORTHWEST, WITH A RADIUS OF 60.00 FEET, AND WHOSE CHORD

BEARS S26°01'51"W, 30.11 FEET; THENCE S59°00'10"E, 184.76 FEET TO A POINT; THENCE S00°21'04"E, A DISTANCE OF 23.67 FEET TO A POINT; THENCE N59°00'10"W, 45.37 FEET TO A POINT; THENCE S88°35'18"E, 235.67 FEET TO A POINT; THENCE S00°15'07"W, 82.13 FEET TO A POINT; THENCE N88°35'18"E, 10.00 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINING 13,254 SF (0.3043 ACRES) MORE OR LESS OF LAND.

Drafted by: Craig Donze S-3182
November 14, 2018